

TUESDAY, APRIL 24, 2012

SEVENTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Phillip Senn, First Baptist Church, Ridgely, TN.

Representative Sanderson led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 98

Representatives present were Alexander, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 936 Rep(s). Faison, Wirgau, Eldridge, Hall, Dunn, D. Miller, McDaniel, Alexander, H. Brooks, Holt, Elam, Marsh, Ford, Roach, Tidwell, C. Johnson and Casada as prime sponsor(s).

House Joint Resolution No. 993 Rep(s). Todd as prime sponsor(s).

House Bill No. 2333 Rep(s). Eldridge, J. DeBerry, D. Miller, Moore, Watson, K. Brooks, H. Brooks, Dean, Swann, Haynes, Sanderson, R. Williams, Floyd, White, C. Johnson, Butt, Elam, Roach, Marsh, Ford, Cobb, Alexander, Parkinson, Holt, Gotto, Brown, Powers, Ragan, Sparks, Shipley, Faison, Halford, Favors, McManus and Fitzhugh as prime sponsor(s).

House Bill No. 2362 Rep(s). Powers as prime sponsor(s).

House Bill No. 2454 Rep(s). Sanderson as prime sponsor(s).

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House Bill No. 2492 Rep(s). Parkinson, Hardaway, White and Lollar as prime sponsor(s).

House Bill No. 2753 Rep(s). Hardaway and Favors as prime sponsor(s).

House Bill No. 2962 Rep(s). Hardaway and Shaw as prime sponsor(s).

House Bill No. 3262 Rep(s). Parkinson and Hardaway as prime sponsor(s).

House Bill No. 3400 Rep(s). Hardaway and Parkinson as prime sponsor(s).

House Bill No. 3456 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 3690 Rep(s). Hardaway and Fitzhugh as prime sponsor(s).

House Bill No. 3700 Rep(s). Hardaway as prime sponsor(s).

House Bill No. 3712 Rep(s). Shaw as prime sponsor(s).

PERSONAL ORDERS

RECOGNITION IN THE WELL

Representative Maggart, joined by Representatives Casada, C. Johnson and K. Williams, was recognized in the Well in order to honor Representative Niceley's service to the State of Tennessee.

RULES SUSPENDED

Rep. Maggart moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 936 out of order, which motion prevailed.

House Joint Resolution No. 936 -- Memorials, Public Service - Representative Frank Niceley. by *Maggart, *Sargent, *Ragan, *Haynes, *Coley, *Niceley, *Dean, *Brooks K, *Williams R, *Sparks, *Carr, *White, *Floyd, *Ramsey, *McCormick.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Maggart, the resolution was adopted by the following vote:

Ayes 98
Noes..... 0

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore,

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Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

A motion to reconsider was tabled.

RECOGNITION IN THE WELL

Representative Coley was recognized in the Well in order to introduce Ryan Dalton for remarks.

RESOLUTION READ

The Clerk read House Joint Resolution No. 938, previously adopted on April 19, 2012, which commended Ryan Dalton for his honorable work in anti-trafficking.

House Joint Resolution No. 938 -- Memorials, Recognition - Ryan Dalton, Director of Anti-trafficking Operations with Operation Broken Silence. by *Coley, *Camper, *Cooper B, *DeBerry J, *DeBerry L, *Hardaway, *Kernell, *Lollar, *McManus, *Miller L, *Parkinson, *Richardson, *Todd, *Towns, *Turner J, *White, *Armstrong, *Bass, *Brooks H, *Brooks K, *Brown, *Campbell, *Carr, *Casada, *Cobb, *Curtiss, *Dean, *Dennis, *Dunn, *Elam, *Eldridge, *Evans, *Faison, *Favors, *Fitzhugh, *Floyd, *Ford, *Forgety, *Gilmore, *Gotto, *Halford, *Hall, *Harmon, *Harrison, *Harwell, *Hawk, *Haynes, *Hensley, *Hill, *Johnson C, *Johnson P, *Jones S, *Keisling, *Lundberg, *Maggart, *Marsh, *Matheny, *Matlock, *McCormick, *McDaniel, *McDonald, *Miller D, *Montgomery, *Moore, *Naifeh, *Niceley, *Odom, *Pitts, *Powers, *Pruitt, *Ramsey, *Rich, *Roach, *Sanderson, *Sargent, *Sexton, *Shaw, *Shepard, *Shipley, *Sontany, *Sparks, *Stewart, *Swann, *Tidwell, *Tindell, *Turner M, *Watson, *Weaver, *Williams R, *Williams K, *Windle, *Wirgau, *Womick.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 25, 2012:

House Resolution No. 282 -- Memorials, Public Service - Judge Andy Tucker. by *Cobb.

House Joint Resolution No. 1056 -- Memorials, Death - Sheril Elliott. by *Halford, *Hensley.

House Joint Resolution No. 1057 -- Memorials, Academic Achievement - Julian Chambers, Valedictorian, Frayser High School. by *Miller L.

House Joint Resolution No. 1058 -- Memorials, Recognition - AKA Day on the Hill 2012. by *Cooper B, *Brown.

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House Joint Resolution No. 1059 -- Memorials, Recognition - James Cole Overholt. by *Faison.

House Joint Resolution No. 1060 -- Memorials, Recognition - Pat Summitt. by *Faison, *Haynes, *Matlock, *Dunn, *Roach, *Ford, *Rich.

House Joint Resolution No. 1062 -- Memorials, Academic Achievement - Nathaniel Armstrong, Salutatorian, Hickman County High School. by *Shepard.

House Joint Resolution No. 1063 -- Memorials, Academic Achievement - Clea Harrelson, Valedictorian, Hickman County High School. by *Shepard.

House Joint Resolution No. 1064 -- Memorials, Death - Dr. Jaime Virata Mangubat. by *McDaniel.

House Joint Resolution No. 1065 -- Memorials, Recognition - John J. Spittler, Four Chaplains Legion of Honor Award. by *Floyd.

House Joint Resolution No. 1066 -- Memorials, Personal Occasion - Mae Yarbrough Henning, 100 birthday. by *Fitzhugh.

RESOLUTIONS LYING OVER

On motion, the resolution(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 668** -- Memorials, Congress - Urges the U.S. Department of Health and Human Services to resolve a longstanding Medicare liability owed to Tennessee and all the States for Medicaid. by *McNally.

House State and Local Government Committee

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 3458 -- Taxes, Hotel Motel - As introduced, authorizes the city of Newport to impose a tax on the privilege of occupancy. - Amends TCA Title 7, Chapter 4 and Title 67, Chapter 4, Part 14. by *Southerland. (*HB3102 by *Odom)

Senate Bill No. 3535 -- Health Care - As introduced, adds certified brain injury specialist in certain cases to authorized adult care home caregivers; eliminates requirement that resident managers live on site where a certified brain injury specialist is present at all times at the location. - Amends TCA Section 68-11-209. by *Crowe, *Burks, *Ford. (*HB3058 by *Ford, *Roach)

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 24, 2012**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar No. 2** for **April 25, 2012**: House Bill(s) No(s). 3697, 3070, 3071, 3157, 3076, 3659, 2363, 3289, 3874, 2675, 2678, 3583, 3584, 2738, 2888, 1507, 3879, 2889, 3881, House Joint Resolution(s) No(s). 816, House Bill(s) No(s). 1455, 3703, 3234, 3851, 3108, 3238, Senate Joint Resolution(s) No(s). 552, House Bill(s) No(s). 2346, 3119 and 3141.

The Committee set the following bill(s) on the **Regular Calendar** for **April 26, 2012**: House Bill(s) No(s). 3621, 2969, House Joint Resolution(s) No(s). 597, House Bill(s) No(s). 2928, 3058, 1854, 3111, 2402, 2221, 3102, 3826, 1384, 3246, 3673, 2391, 3604, 3326, Senate Joint Resolution(s) No(s). 526 and House Bill(s) No(s). 3689.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 25, 2012**: House Bill(s) No(s). 3882, 3877, Senate Joint Resolution(s) No(s). 360, House Joint Resolution(s) No(s). 791, 872, Senate Joint Resolution(s) No(s). 629 and House Joint Resolution(s) No(s). 863.

GOVERNMENT OPERATIONS COMMITTEE

The Government Operations Committee recommended for passage: House Bill(s) No(s). 3098. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

House Resolution No. 269 -- Memorials, Interns - Meagan Elise Davis. by *Dunn.

House Resolution No. 270 -- Memorials, Interns - Garrett Louis Montague. by *Dunn.

House Resolution No. 271 -- Memorials, Sports - Grainger County Lady Grizzlies Basketball Team. by *Roach.

House Resolution No. 272 -- Memorials, Academic Achievement - Tejasvi Krishna Dasari, Salutatorian, White Station High School. by *Hardaway.

House Resolution No. 273 -- Memorials, Academic Achievement - Natasha Mehra, Salutatorian, White Station High School. by *Hardaway.

House Resolution No. 274 -- Memorials, Academic Achievement - Keshane Hong Gan, Valedictorian, White Station High School. by *Hardaway.

House Resolution No. 275 -- Memorials, Academic Achievement - Amber Carpenter, Valedictorian, Memphis Health Careers Academy. by *Hardaway.

House Resolution No. 276 -- Memorials, Academic Achievement - Eva Motley, Salutatorian, Memphis Health Careers Academy. by *Hardaway.

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House Resolution No. 277 -- Memorials, Academic Achievement - Kara Skjoldager, Valedictorian, Memphis Central High School. by *Hardaway.

House Resolution No. 278 -- Memorials, Academic Achievement - Jordaan McGill, Co-Salutatorian, Memphis Central High School. by *Hardaway.

House Resolution No. 279 -- Memorials, Academic Achievement - Elizabeth Forester, Co-Salutatorian, Memphis Central High School. by *Hardaway.

House Resolution No. 280 -- Memorials, Academic Achievement - Tieranny Woods, Valedictorian, Overton High School. by *Hardaway.

House Resolution No. 281 -- Memorials, Academic Achievement - Kya Jones, Salutatorian, Overton High School. by *Hardaway.

House Joint Resolution No. 1018 -- Memorials, Academic Achievement - Alison Nicole Wheatley, Valedictorian, Creek Wood High School. by *Shepard.

House Joint Resolution No. 1019 -- Memorials, Academic Achievement - Easton Stone Dawson, Salutatorian, Creek Wood High School. by *Shepard.

House Joint Resolution No. 1020 -- Memorials, Professional Achievement - Jake Stansell, 67th President of the Tennessee Road Builders Association. by *Odom.

House Joint Resolution No. 1021 -- Memorials, Recognition - Polk County High School, Future Business Leaders of America competition. by *Watson.

House Joint Resolution No. 1022 -- Memorials, Academic Achievement - Kenneth Brown, Salutatorian, Mt. Juliet Christian Academy. by *Elam.

House Joint Resolution No. 1023 -- Memorials, Academic Achievement - Robert Hibbett, Valedictorian, Mt. Juliet Christian Academy. by *Elam.

House Joint Resolution No. 1024 -- Memorials, Academic Achievement - Perry Belcher, Valedictorian, Wilson Central High School. by *Elam.

House Joint Resolution No. 1025 -- Memorials, Academic Achievement - Zach Pollock, Salutatorian, Mt. Juliet Christian Academy. by *Elam.

House Joint Resolution No. 1026 -- Memorials, Academic Achievement - Phillip Andrew Lundy, Jr., Valedictorian, Mt. Juliet Christian School. by *Elam.

House Joint Resolution No. 1027 -- Memorials, Academic Achievement - Ashley Johnson, Valedictorian, Kirby High School. by *Turner J.

House Joint Resolution No. 1028 -- Memorials, Academic Achievement - Bri'Anna Olivia Tate, Valedictorian, Westwood High School. by *Turner J.

House Joint Resolution No. 1029 -- Memorials, Academic Achievement - Brandi Wells, Valedictorian, Fairley High School. by *Turner J.

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House Joint Resolution No. 1030 -- Memorials, Academic Achievement - Alexis Harper, Valedictorian, Mitchell High School. by *Turner J.

House Joint Resolution No. 1031 -- Memorials, Academic Achievement - Jaundra T. Clark, Salutatorian, Fairley High School. by *Turner J.

House Joint Resolution No. 1032 -- Memorials, Academic Achievement - Stephanie Jordan, Salutatorian, Mitchell High School. by *Turner J.

House Joint Resolution No. 1033 -- Memorials, Academic Achievement - Enrique Deon Smith, Salutatorian, Westwood High School. by *Turner J.

House Joint Resolution No. 1034 -- Memorials, Academic Achievement - Melvin Rucker, Salutatorian, Kirby High School. by *Turner J.

House Joint Resolution No. 1035 -- Memorials, Academic Achievement - Kristen Nicole Black, Valedictorian, East Hickman High School. by *Shepard.

House Joint Resolution No. 1036 -- Memorials, Academic Achievement - Chelsea Marlin, Salutatorian, East Hickman High School. by *Shepard.

House Joint Resolution No. 1037 -- Memorials, Academic Achievement - Lucas Ryne Hilliard, Valedictorian, White House High School. by *McDonald.

House Joint Resolution No. 1038 -- Memorials, Academic Achievement - Kindle Shea Williams, Valedictorian, White House High School. by *McDonald.

House Joint Resolution No. 1039 -- Memorials, Academic Achievement - Carly Marie Dickson, Valedictorian, White House High School. by *McDonald.

House Joint Resolution No. 1040 -- Memorials, Academic Achievement - Heather Richardson, Valedictorian, Clinch School. by *Harrison.

House Joint Resolution No. 1041 -- Memorials, Academic Achievement - Stephen Dylan Seal, Salutatorian, Clinch School. by *Harrison.

House Joint Resolution No. 1042 -- Memorials, Retirement - Michael T. Harris. by *Pitts, *Johnson C, *Tidwell.

House Joint Resolution No. 1043 -- Memorials, Interns - Alison Marie Bright. by *Johnson P, *Brooks K.

House Joint Resolution No. 1044 -- Memorials, Interns - Christopher A. Moore. by *Johnson P, *Brooks K.

House Joint Resolution No. 1045 -- Memorials, Academic Achievement - Cody Atkinson, Nestle Waters 'Every Drop Counts' Scholarship Award Winner, Lewis County High School. by *Hensley.

House Joint Resolution No. 1046 -- Memorials, Academic Achievement - Jessie Erin Richards, Valedictorian, East Robertson High School. by *Evans.

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House Joint Resolution No. 1047 -- Memorials, Academic Achievement - Audrey Elizabeth Blanton, Salutatorian, East Robertson High School. by *Evans.

House Joint Resolution No. 1048 -- Memorials, Recognition - Youth Leadership Robertson County, Class of 2012. by *Evans.

House Joint Resolution No. 1049 -- Memorials, Recognition - Leadership Robertson County, Class of 2012. by *Evans.

House Joint Resolution No. 1050 -- Memorials, Public Service - Harry Gill, Jr., Rutherford County Director of Schools. by *Sparks, *Carr, *Marsh, *Womick.

House Joint Resolution No. 1051 -- Memorials, Professional Achievement - Meah King, Milken Educator Award. by *Hardaway.

House Joint Resolution No. 1052 -- Memorials, Recognition - Diana Ross. by *Hardaway.

House Joint Resolution No. 1053 -- Memorials, Recognition - Leadership Middle Tennessee, Class of 2012. by *Evans, *Harwell, *Maggart, *Johnson C, *Pody, *Matheny, *Shepard, *Turner M, *McDonald, *Stewart, *Pitts, *Carr, *Jones S, *Womick, *Odom, *Pruitt, *Sontany, *Sparks, *Gilmore, *Moore, *Gotto, *Casada, *Johnson P, *Hensley, *Tidwell, *Marsh, *Butt, *Elam, *Sargent.

House Joint Resolution No. 1054 -- Memorials, Recognition - S & S Whole Sale Tire of Knoxville, 25th anniversary. by *Matlock.

Senate Joint Resolution No. 777 -- Memorials, Death - Elmer W. Counce. by *Herron, *Faulk, *Finney L, *Tracy.

Senate Joint Resolution No. 781 -- Memorials, Academic Achievement - Biana Fair, Salutatorian, Hamilton High School. by *Kyle, *Marrero.

Senate Joint Resolution No. 782 -- Memorials, Academic Achievement - Darwin Dauine Denton, Valedictorian, Hamilton High School. by *Kyle, *Marrero.

Senate Joint Resolution No. 786 -- Memorials, Personal Occasion - Kathleen and Hobert Campbell, 50th wedding anniversary. by *Southerland.

Senate Joint Resolution No. 787 -- Memorials, Academic Achievement - Cody Lynn Burton, Valedictorian, Upperman High School. by *Burks.

Senate Joint Resolution No. 788 -- Memorials, Academic Achievement - Candace Nicole Wallace, Salutatorian, Upperman High School. by *Burks.

Senate Joint Resolution No. 789 -- Memorials, Academic Achievement - Lisa Yuyang Gong, Salutatorian, Cookeville High School. by *Burks.

Senate Joint Resolution No. 790 -- Memorials, Academic Achievement - Kiara Wenhan Cui, Valedictorian, Cookeville High School. by *Burks.

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Senate Joint Resolution No. 791 -- Memorials, Academic Achievement - Abigayle Marie Clafin, Valedictorian, Cumberland County High School. by *Burks.

Senate Joint Resolution No. 792 -- Memorials, Academic Achievement - Andrew Barlow, Salutatorian, Monterey High School. by *Burks.

Senate Joint Resolution No. 793 -- Memorials, Academic Achievement - Taylor Nicole Vaden, Salutatorian, Cumberland County High School. by *Burks.

Senate Joint Resolution No. 794 -- Memorials, Academic Achievement - Whitney Phillips, Valedictorian, Monterey High School. by *Burks.

Senate Joint Resolution No. 795 -- Memorials, Academic Achievement - Andrew Frasier Holland, Salutatorian, White County High School. by *Burks.

Senate Joint Resolution No. 796 -- Memorials, Academic Achievement - Emily Belle Henry, Valedictorian, White County High School. by *Burks.

Senate Joint Resolution No. 797 -- Memorials, Academic Achievement - Katherine Suzanne Lyon, Valedictorian, Stone Memorial High School. by *Burks.

Senate Joint Resolution No. 798 -- Memorials, Academic Achievement - Anna Lauren Smith, Salutatorian, Stone Memorial High School. by *Burks.

Senate Joint Resolution No. 799 -- Memorials, Death - Ms. Erma Lee Laws. by *Ford.

Senate Joint Resolution No. 800 -- Memorials, Recognition - Wilson Bank and Trust, 25th anniversary. by *Beavers.

Senate Joint Resolution No. 801 -- Memorials, Interns - John Brock. by *Tracy.

Senate Joint Resolution No. 802 -- Memorials, Interns - Mina Mossad. by *Tracy.

Senate Joint Resolution No. 803 -- Memorials, Death - Earl Eugene Scruggs. by *Henry.

Senate Joint Resolution No. 804 -- Memorials, Academic Achievement - Javon Michael Ford, Valedictorian, Ridgeway High School. by *Kyle.

Senate Joint Resolution No. 805 -- Memorials, Academic Achievement - Esteban Andres Pilo-Pais, Salutatorian, Ridgeway High School. by *Kyle.

Senate Joint Resolution No. 807 -- Memorials, Interns - Thomas Kyle Turner. by *Ketrone.

Senate Joint Resolution No. 808 -- Memorials, Interns - Michael Anthony Ripley. by *Ketrone.

Senate Joint Resolution No. 809 -- Memorials, Academic Achievement - Ivan Chesterfield Biggs, Valedictorian, Cheatham County Central High School. by *Barnes, *Roberts.

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Senate Joint Resolution No. 810 -- Memorials, Academic Achievement - Kayla Elizabeth Winters, Salutatorian, Cheatham County Central High School. by *Barnes, *Roberts.

Senate Joint Resolution No. 811 -- Memorials, Academic Achievement - Destiny Nicole LaGarce, Valedictorian, Sycamore High School. by *Barnes, *Roberts.

Senate Joint Resolution No. 812 -- Memorials, Academic Achievement - Kristin Hope Knight, Salutatorian, Sycamore High School. by *Barnes, *Roberts.

Senate Joint Resolution No. 813 -- Memorials, Academic Achievement - Anna Claire Robinson, Valedictorian, Harpeth High School. by *Barnes, *Roberts.

Senate Joint Resolution No. 814 -- Memorials, Academic Achievement - Connor Andrew Reed, Valedictorian, Academy for Academic Excellence. by *Barnes.

Senate Joint Resolution No. 815 -- Memorials, Academic Achievement - Ross Manley Svanberg, Salutatorian, Academy for Academic Excellence. by *Barnes.

Senate Joint Resolution No. 816 -- Memorials, Academic Achievement - Martha Dawson Nicholson, Valedictorian, Clarksville Academy. by *Barnes.

Senate Joint Resolution No. 817 -- Memorials, Academic Achievement - Lauren Elizabeth Maki, Salutatorian, Clarksville Academy. by *Barnes.

Senate Joint Resolution No. 818 -- Memorials, Academic Achievement - Skyler Daniel Gordon, Valedictorian, Northeast High School. by *Barnes.

Senate Joint Resolution No. 819 -- Memorials, Academic Achievement - Joseph Eugene Dallas, Salutatorian, Northeast High School. by *Barnes.

Senate Joint Resolution No. 820 -- Memorials, Academic Achievement - Newton Earl Garner, Valedictorian, Northwest High School. by *Barnes.

Senate Joint Resolution No. 821 -- Memorials, Academic Achievement - Della Margaret Coleman, Salutatorian, Northwest High School. by *Barnes.

Senate Joint Resolution No. 822 -- Memorials, Academic Achievement - Kaitlyn Nichole Butler, Valedictorian, Rossvie High School. by *Barnes.

Senate Joint Resolution No. 823 -- Memorials, Academic Achievement - Caitlin Dawn Campbell, Salutatorian, Rossvie High School. by *Barnes.

Senate Joint Resolution No. 824 -- Memorials, Academic Achievement - Adriana Isabel Larsen, Valedictorian, West Creek High School. by *Barnes.

Senate Joint Resolution No. 825 -- Memorials, Academic Achievement - Austin Richard Wyer, Salutatorian, West Creek High School. by *Barnes.

Senate Joint Resolution No. 826 -- Memorials, Academic Achievement - Geneva Mei Brennan Vezeau, Valedictorian, Clarksville High School. by *Barnes.

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Senate Joint Resolution No. 827 -- Memorials, Academic Achievement - Mariah Paige Beane, Salutatorian, Clarksville High School. by *Barnes.

Senate Joint Resolution No. 828 -- Memorials, Academic Achievement - Alicia Marie Kingston, Valedictorian, Kenwood High School. by *Barnes.

Senate Joint Resolution No. 829 -- Memorials, Academic Achievement - Lisa Ann Mitchell, Salutatorian, Kenwood High School. by *Barnes.

Senate Joint Resolution No. 830 -- Memorials, Academic Achievement - Kristyn Leigh Simpson, Valedictorian, Montgomery Central High School. by *Barnes.

Senate Joint Resolution No. 831 -- Memorials, Academic Achievement - Lauren Nicole Bone, Salutatorian, Montgomery Central High School. by *Barnes.

Senate Joint Resolution No. 832 -- Memorials, Recognition - Julia Hopper Daniel. by *Yager.

Senate Joint Resolution No. 833 -- Memorials, Recognition - Dr. Joyce G. Crouch. by *Yager.

Senate Joint Resolution No. 834 -- Memorials, Recognition - Ken Croom, Chamber of Commerce Businessman of the Year. by *Yager.

Senate Joint Resolution No. 835 -- Memorials, Recognition - Dan Sanders, Chamber of Commerce Ambassador of the Year Award. by *Yager.

Senate Joint Resolution No. 836 -- Memorials, Recognition - Christine Ralph, Chamber of Commerce Volunteer of the Year. by *Yager.

Senate Joint Resolution No. 837 -- Memorials, Death - Julene Purser Morgan. by *Yager.

Senate Joint Resolution No. 838 -- Memorials, Recognition - Walt Goolsby. by *Yager.

Senate Joint Resolution No. 839 -- Memorials, Recognition - Wilma Brummett. by *Yager.

Senate Joint Resolution No. 840 -- Memorials, Recognition - Loretta Painter. by *Yager.

Senate Joint Resolution No. 841 -- Memorials, Academic Achievement - Kaitlyn Elizabeth Boggs, Valedictorian, Houston County High School. by *Barnes.

Senate Joint Resolution No. 842 -- Memorials, Academic Achievement - Justin Andrew Cockrell, Valedictorian, Houston County High School. by *Barnes.

Senate Joint Resolution No. 843 -- Memorials, Academic Achievement - Teresa Jill Mitchell, Valedictorian, Houston County High School. by *Barnes.

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Senate Joint Resolution No. 844 -- Memorials, Academic Achievement - Kelli Nicole Parker, Valedictorian, Houston County High School. by *Barnes.

Senate Joint Resolution No. 845 -- Memorials, Academic Achievement - Riley Elizabeth Pitts, Valedictorian, Houston County High School. by *Barnes.

Senate Joint Resolution No. 846 -- Memorials, Academic Achievement - Sean John-Robert Settle, Valedictorian, Houston County High School. by *Barnes.

Senate Joint Resolution No. 847 -- Memorials, Academic Achievement - Sarah Jessica Thibault, Valedictorian, Houston County High School. by *Barnes.

Senate Joint Resolution No. 848 -- Memorials, Academic Achievement - Quinton Craig Roby, Salutatorian, Houston County High School. by *Barnes.

Senate Joint Resolution No. 849 -- Memorials, Retirement - Sergeant First Class Edward Tyree. by *Barnes.

Senate Joint Resolution No. 850 -- Memorials, Interns - Alex Brown. by *Haynes.

Senate Joint Resolution No. 851 -- Memorials, Retirement - Dr. Daniel Kellum. by *Haynes.

Senate Joint Resolution No. 852 -- Memorials, Heroism - McKinley Harding Choate. by *Summerville.

Senate Joint Resolution No. 853 -- Memorials, Interns - Alexa Spata. by *Burks.

Senate Joint Resolution No. 854 -- Memorials, Interns - James Parker. by *Beavers.

Senate Joint Resolution No. 855 -- Memorials, Recognition - General Robert Hatton Monument, 100-year re-dedication. by *Beavers.

Senate Joint Resolution No. 856 -- Memorials, Recognition - Bob Dudley Smith. by *Henry.

Senate Joint Resolution No. 857 -- Memorials, Interns - Vann Brannon Bentley. by *Finney L.

Senate Joint Resolution No. 858 -- Memorials, Public Service - Senator Kerry E. Roberts. by *Ramsey, *Barnes, *Beavers, *Bell, *Berke, *Burks, *Campfield, *Crowe, *Faulk, *Finney L, *Ford, *Gresham, *Harper, *Haynes, *Henry, *Herron, *Johnson, *Kelsey, *Ketron, *Kyle, *Marrero, *Massey, *McNally, *Norris, *Overbey, *Southerland, *Stewart, *Summerville, *Tracy, *Watson, *Yager, *Tate.

Senate Joint Resolution No. 859 -- Memorials, Professional Achievement - Richard "Dick" Henley, 2012 TSSAA Hall of Fame. by *Overbey.

Senate Joint Resolution No. 860 -- Memorials, Death - Sandra Kay Stewart Murphy. by *Overbey.

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Senate Joint Resolution No. 861 -- Memorials, Recognition - 52nd Annual East Tennessee Rhyne Reunion. by *Overbey.

Senate Joint Resolution No. 862 -- Memorials, Personal Occasion - Mary Evelyn Smith Reese, 90th birthday. by *Herron.

Senate Joint Resolution No. 863 -- Memorials, Sports - Coach Boyce Rowe. by *Herron.

Senate Joint Resolution No. 864 -- Memorials, Recognition - Blake Gallimore. by *Herron.

Senate Joint Resolution No. 865 -- Memorials, Death - Don Lovelace. by *Herron.

Senate Joint Resolution No. 866 -- Memorials, Academic Achievement - Sean Stapleton, 2011 National Merit Scholarship Program Finalist. by *Herron.

Senate Joint Resolution No. 867 -- Memorials, Death - Elihu Meador. by *Herron.

Senate Joint Resolution No. 868 -- Memorials, Retirement - Jerry P. Simmons. by *Herron.

Senate Joint Resolution No. 869 -- Memorials, Sports - Cooper Yeshiva Basketball Team. by *Marrero, *Herron.

Senate Joint Resolution No. 878 -- Memorials, Recognition - Pat Head Summitt. by *Herron.

Senate Joint Resolution No. 886 -- Memorials, Retirement - Hugh Braddock. by *Roberts.

Rep. Gilmore moved that the Davidson County delegation be added as co-prime sponsors on House Joint Resolution No. 1020, which motion prevailed.

Rep. Gilmore moved that the Davidson County delegation be added as co-prime sponsors on Senate Joint Resolution No. 856, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C,
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Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 3691 -- Judges and Chancellors - As introduced, requires speakers to appoint all nine members of the judicial evaluation commission since the judicial council no longer exists. - Amends TCA Title 17, Chapter 4, Part 2. by *Dennis. (*SB3652 by *Bell, *Ramsey, *Ketron)

On motion, House Bill No. 3691 was made to conform with **Senate Bill No. 3652**; the Senate Bill was substituted for the House Bill.

Rep. Dennis moved that **Senate Bill No. 3652** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes.....	1

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 93

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

House Bill No. 3124 -- Civil Procedure - As introduced, removes judicial discretion to apportion costs and permits recovery of certain litigation costs by the successful party on motions to dismiss. - Amends TCA Title 20; Title 25; Title 27 and Title 29. by *Dennis. (*SB2638 by *Johnson, *Ketron)

Rep. Dennis moved that House Bill No. 3124 be passed on third and final consideration.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3124 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 20-12-119, is amended by adding the following as a new subsection thereto:

(c)

(1) Notwithstanding subsection (a) or (b), in a civil proceeding, where a trial court grants a motion to dismiss pursuant to Rule 12 of the Tennessee Rules of Civil Procedure for failure to state a claim upon which relief may be granted, the court shall award the party or parties against whom the dismissed claims were pending at the time the successful motion to dismiss was granted the costs and reasonable and necessary attorney's fees incurred in the proceedings as a consequence of the dismissed claims by that party or parties. The awarded costs and fees shall be paid by the party or parties whose claim or claims were dismissed as a result of the granted motion to dismiss.

(2) Costs shall include all reasonable and necessary litigation costs actually incurred due to the proceedings that resulted from the filing of the dismissed claims, including, but not limited to:

(A) Court costs;

(B) Attorneys' fees'

(C) Court reporter fees'

(D) Interpreter fees; and

(E) Guardian ad litem fees;

(3) An award of costs pursuant to this subsection shall be made only after all appeals of the issue of the granting of the motion to dismiss have been exhausted and if the final outcome is the granting of the motion to dismiss. The award of costs and attorneys' fees pursuant to this section shall be stayed until a final decision which is not subject to appeal is rendered.

(4) Notwithstanding any other provision of this section, the court shall not require a party to pay costs under this section in excess of a combined total of ten thousand dollars (\$10,000) in any single lawsuit. Where multiple parties are entitled to recover their costs from a single party under this section and those parties' combined actual costs under this statute exceed ten thousand dollars (\$10,000) then the court shall apportion the awarded costs to the moving parties in proportion to the amount of each moving party's incurred costs unless agreed otherwise by the moving parties. Nothing in this section shall be construed to limit the

award of costs as provided for in other sections of the code or at common law.

(5) This subsection shall not apply to:

(A) Actions by or against the state, other governmental entities, or public officials acting in their official capacity or under color of law;

(B) Any claim that is dismissed by the granting of a motion to dismiss that was filed more than sixty (60) days after the moving party received service of the latest complaint, counter-complaint or cross-complaint in which that dismissed claim was made;

(C) Any claim that the party against whom the motion to dismiss was filed withdrew, or in good faith amended to state a claim upon which relief may be granted; however, this subdivision (C) shall not apply unless a pleading providing notice of the withdrawal or amendment was filed with the court and delivered to the opposing party or parties at least three days before the date set for the hearing of the motion to dismiss or by the deadline for the filing of a response to the motion to dismiss, whichever is earlier. Nothing in this section shall be construed to prevent a party from striking its own motion to dismiss;

(D) Actions by pro se litigants, except where the court also finds that the pro se party acted unreasonably in bringing, or refusing to voluntarily withdraw, the dismissed claim;

(E) Any claim which is a good faith, non-frivolous claim filed for the express purpose of extending, modifying, or reversing existing precedent, law or regulation, or for the express purpose of establishing the meaning, lawfulness or constitutionality of a law, regulation or United States or Tennessee constitutional right where the meaning, lawfulness or constitutionality is a matter of first impression that has not been established by precedent in a published opinion by the Tennessee Supreme Court, Court of Appeals, Court of Criminal Appeals, a United States District Court in Tennessee, or by the United States Supreme Court. This subdivision (E) shall not apply unless at the time the successful motion to dismiss was filed the party that made the dismissed claim had specially pleaded in its latest complaint, counter-complaint or cross-complaint that the dismissed claim was made for one of the express purposes listed above and cited the contrary precedent or interpretation the party seeks to distinguish or overcome, or whether the issue to be decided is a matter of first impression as described in this subdivision (E); or

(F) Any claim for which relief could be granted under a law, a court precedent published by a court described in

subdivision (E), or a regulation, that was in effect and applicable to the claim at the time the motion to dismiss was filed; where that law, precedent or regulation was cited in the pleading in which the dismissed claim was made or in the response to the motion to dismiss; and where the motion to dismiss the claim was granted due to the subsequent repeal, amendment, overruling or distinguishing of that law, regulation or published court precedent.

(6) This Section shall not be construed to limit the ability of any court to dismiss a claim or assess costs against a party whose claim has been dismissed, where permitted or required by other law, court rule or at common law.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Stewart moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3124 by adding the following as a new subdivision (c)(2) and by redesignating the current subdivisions accordingly:

(2) Notwithstanding the provisions of subsections (a) and (b), in a civil proceeding, where a trial court denies a motion to dismiss that was filed pursuant to Rule 12 of the Tennessee Rules of Civil Procedure, the court shall award the party or parties against whom the motion was filed the costs and reasonable and necessary attorney's fees incurred in the proceedings, as a consequence of the motion to dismiss being filed. The awarded costs and fees shall be paid by the party or parties whose motion to dismiss was denied.

AND FURTHER AMEND by deleting the language "dismissed claims," in the current subdivision (c)(2), and by substituting instead the language "dismissed claims or the motion to dismiss,".

AND FURTHER AMEND by deleting the word "granting" in the current subdivision (c)(3) and by substituting instead the language "grant or denial".

Rep. Dennis moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	62
Noes	32

Representatives voting aye were: Alexander, Brooks H, Brooks K, Butt, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller

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D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Sparks, Swann, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 62

Representatives voting no were: Brown, Campbell, Camper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Hill, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Tindell, Turner J, Turner M, Windle -- 32

Rep. Dennis requested that House Bill No. 3124 be moved to the heel of the Calendar.

House Bill No. 3700 -- Criminal Procedure - As introduced, clarifies that a defendant cannot get records expunged if convicted of an offense other than the charged offense or convicted of one offense in a multi-count indictment, including lesser included offenses. - Amends TCA Title 40, Chapter 32, Part 1. by *Dennis. (*SB3642 by *Faulk, *Ramsey, *Ketron)

On motion, House Bill No. 3700 was made to conform with **Senate Bill No. 3642**; the Senate Bill was substituted for the House Bill.

Rep. Dennis moved that Senate Bill No. 3642 be passed on third and final consideration.

Rep. Watson moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Dennis moved that **Senate Bill No. 3642** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes.....	4
Present and not voting.....	2

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

Representatives voting no were: Cooper, Favors, Pruitt, Towns -- 4

Representatives present and not voting were: Brown, Gilmore -- 2

A motion to reconsider was tabled.

PRESENT IN CHAMBER

Representative(s) Armstrong was/were recorded as being present in the Chamber.

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REGULAR CALENDAR, CONTINUED

House Bill No. 2333 -- Controlled Substances - As introduced, adds offenses the conviction of which requires the offender to be on the methamphetamine registry, makes registry retroactive and revises procedure by which methamphetamine-related convictions are transmitted to TBI from clerk's office. - Amends TCA Title 39, Chapter 17, Part 4. by *Dennis, *Maggart, *Hawk, *Hill, *Evans. (*SB2190 by *Beavers, *Burks, *Crowe, *Tracy, *Faulk, *Gresham, *Overbey, *Yager)

On motion, House Bill No. 2333 was made to conform with **Senate Bill No. 2190**; the Senate Bill was substituted for the House Bill.

Rep. Dennis moved that Senate Bill No. 2190 be passed on third and final consideration.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Watson moved that Judiciary Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Dennis moved that **Senate Bill No. 2190** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 98

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "no" to "aye" on **Senate Bill No. 3642** and have this statement entered in the Journal: Rep(s). B. Cooper.

REGULAR CALENDAR, CONTINUED

House Bill No. 3459 -- Business Organizations - As introduced, revises the Tennessee Business Corporation Act. - Amends TCA Title 48. by *Dennis. (*SB3070 by *Johnson, *Ketron)

Rep. Dennis moved that House Bill No. 3459 be passed on third and final consideration.

Rep. McManus moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3459 by inserting the following language as a new undesignated subdivision in Section 6 immediately following the subdivision ending with the language "in accordance with § 48-11-202(j)":

() "Filing entity" means an unincorporated entity that is of a type that is created by filing a public organic document;

AND FURTHER AMEND by deleting § 48-11-202(c) in Section 7 in its entirety and by substituting instead the following:

(c) Notice or other communication to a domestic or foreign corporation (authorized to transact business in this state) may be delivered to its registered agent at its registered office (or to a designated mailing address such as a post office box if the United States postal service does not deliver to the registered agent's registered office) or to the secretary of the corporation at its principal office shown in its most recent annual report (or to a designated mailing address such as a post office box if the United States postal service does not deliver to the corporation's principal office) or, in the case of a foreign corporation that has not yet delivered an annual report, in its application for a certificate of authority.

AND FURTHER AMEND by deleting Sections 9, 10, and 11 in their entirety and by substituting instead the following:

SECTION 9. Tennessee Code Annotated, Section 48-11-303(a), is amended by inserting the following language as new subdivisions (14), (15) and (16) to the enumeration of fees collected by the secretary of state and by redesignating the remaining subdivisions accordingly:

(14) Articles of entity conversion.....	\$100.00
(15) Articles of charter surrender.....	\$20.00
(16) Statement of Abandonment of Merger, Conversion or Share Exchange.....	\$20.00

SECTION 10. Tennessee Code Annotated, Section 48-11-303(d), is amended by deleting the language "(11)-(17)" and by substituting instead the language "(11)-(20)".

SECTION 11. Tennessee Code Annotated, Section 48-11-304(b), is amended by deleting the language "(17), (18), (22), (28), (30) and (31)" and by substituting instead the language "(15), (16), (20), (21), (25), (31), (33) and (34)", respectively.

AND FURTHER AMEND by deleting § 48-17-104(i) in Section 16 in its entirety and by substituting instead the following:

(i) Delivery of a written consent to the corporation under this section is delivery to the corporation's registered agent at its registered office (or to a designated mailing address such as a post office box if the United States postal service does not deliver to the registered agent's registered office) or to the secretary of the corporation at its principal office (or to a designated mailing address such as a post office box if the United States postal service does not deliver to the corporation's principal office).

AND FURTHER AMEND by deleting the language "director of officer" in subsections (a) and (b) of § 48-18-702 in Section 26 and by substituting instead the language "director or officer".

AND FURTHER AMEND by deleting the language "merge into one (1)" in § 48-21-102(a) in Section 27 and by substituting instead the language "merge with one (1)".

AND FURTHER AMEND by adding the following language at the end of § 48-21-102(a) in Section 27:

The merger shall result in a single survivor.

AND FURTHER AMEND by deleting the first sentence of § 48-21-102(b) in Section 27 and by substituting instead the following language:

A foreign business corporation, or a foreign eligible entity, may be a party to a merger with a domestic business corporation, or may be created by the terms of the plan of merger, only if the merger is permitted by the laws under which the foreign business corporation or eligible entity is organized or by which it is governed.

AND FURTHER AMEND by deleting the language "amount of kind" in § 48-21-102(f)(1) in Section 27 and by substituting instead the language "amount or kind".

AND FURTHER AMEND by deleting the language "also transmit the" wherever it appears in § 48-21-104(2) in Section 27 and by substituting instead the language "also transmit to the".

AND FURTHER AMEND by deleting the penultimate sentence of § 48-21-104(4) in Section 27.

AND FURTHER AMEND by inserting the following language at the end of the first sentence of § 48-21-107(b) in Section 27:

together with the required filing fee

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AND FURTHER AMEND by deleting § 48-21-112(a)(4) in Section 27 and by substituting instead the following language:

(4) If the survivor is a filing entity, have attached the applicable public organic document; except that provisions that would not be required to be included in a restated public organic document may be omitted.

AND FURTHER AMEND by deleting § 48-21-112(b)(3) in Section 27 in its entirety and by substituting instead the following:

(3) Have attached a charter; except that provisions that would not be required to be included in a restated charter of a domestic business corporation may be omitted.

AND FURTHER AMEND by deleting § 48-21-112(c)(4) in Section 27 in its entirety and by substituting instead the following:

(4) Have attached a charter; except that provisions that would not be required to be included in a restated charter of a domestic business corporation may be omitted.

AND FURTHER AMEND by deleting § 48-21-112(d) in Section 27 in its entirety and by substituting instead the following:

(d) The articles of entity conversion shall be delivered to the secretary of state for filing, together with the required filing fee, and shall take effect at the effective time provided in § 48-11-304.

(1) Articles of entity conversion filed under subsection (a) or (b) may be combined with any required conversion filing under the organic law of the domestic unincorporated entity if the combined filing satisfies the requirements of both this section and the other organic law.

(2) The public organic document required to be attached by subsection (a) shall be delivered to the secretary of state for filing, and shall take effect at the effective time of the articles of entity conversion. A filing fee for the public organic document shall be paid to the secretary of state in the amount specified for such public organic document by the applicable law governing the formation of such domestic unincorporated entity.

(3) The charter required to be attached by subsection (b) or (c) shall be delivered to the secretary of state for filing, and shall take effect at the effective time of the articles of entity conversion. The fee for filing the charter shall be paid in accordance with § 48-11-303.

AND FURTHER AMEND by inserting the following language at the end of the first sentence of § 48-21-113(b) in Section 27:

together with the required filing fee

AND FURTHER AMEND by inserting the following language immediately after the language "shall be delivered to the secretary of state for filing" in § 48-21-115(b) in Section 27:

, together with the required filing fee,

AND FURTHER AMEND by deleting subsections (b) and (c) of § 48-21-118 in Section 27 in their entirety and by substituting instead the following:

(b) The articles of nonprofit conversion shall have attached a charter that satisfies the requirements of § 48-52-102. Provisions that would not be required to be included in a charter of a domestic nonprofit corporation may be omitted.

(c) The articles of nonprofit conversion shall be delivered to the secretary of state for filing, together with the required filing fee, and shall take effect at the effective time provided in § 48-11-304. The attached charter shall also be delivered to the secretary of state for filing. The fee for filing the charter shall be paid in accordance with § 48-51-303.

AND FURTHER AMEND by inserting the following language at the end of the first sentence of § 48-21-119(b) in Section 27:

together with the required filing fee

AND FURTHER AMEND by deleting the language "or foreign" in § 48-21-120(a)(4) in Section 27.

AND FURTHER AMEND by inserting the following language immediately after the language "shall be delivered to the secretary of state" in § 48-21-121(b) in Section 27:

, together with the required filing fee,

AND FURTHER AMEND by deleting Section 42 in its entirety and by substituting instead the following:

SECTION 42. For the purpose of the secretary of state taking necessary actions for the implementation of this act, this act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2013, the public welfare requiring it.

AND FURTHER AMEND by inserting the following language as new Sections 40 and 41 and by redesignating the subsequent sections accordingly:

SECTION 40. Tennessee Code Annotated, Section 48-26-203(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) The street address, including the zip code, of its registered office (or a mailing address such as a post office box if the United States postal service does not deliver to the registered office), the county in

which the office is located, and the name of its registered agent at that office in this state;

SECTION 41. Tennessee Code Annotated, Section 48-26-203(a)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3) The street address, including the zip code, of its principal office (or a mailing address such as a post office box if the United States postal service does not deliver to the principal office);

AND FURTHER AMEND by inserting the following language as new Sections 37, 38, 39, 40, 41, and 42 and by redesignating the subsequent sections accordingly:

SECTION 37. Tennessee Code Annotated, Section 48-24-202(a), is amended by deleting the language “written communication” and by substituting instead the language “notice”.

SECTION 38. Tennessee Code Annotated, Section 48-25-103(a)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) The street address, including the zip code, of its principal office (or a mailing address such as a post office box if the United States postal service does not deliver to the principal office);

SECTION 39. Tennessee Code Annotated, Section 48-25-103(a)(5), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(5) The street address, including the zip code, of its registered office in this state (or a mailing address such as a post office box if the United States postal service does not deliver to the registered office), the county in which the office is located, and the name of its registered agent at that office;

SECTION 40. Tennessee Code Annotated, Section 48-25-108(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) If the current registered office is to be changed, the street address, including the zip code, of its new registered office (or a mailing address such as a post office box if the United States postal service does not deliver to the new registered office), and the county in which the office is located;

SECTION 41. Tennessee Code Annotated, Section 48-25-302(a), is amended by deleting the language “written communication” and by substituting instead the language “notice”.

SECTION 42. Tennessee Code Annotated, Section 48-25-304(a), is amended by deleting the language "written communication" and by substituting instead the language "notice".

AND FURTHER AMEND by inserting the following language as new Sections 27 and 28 and by redesignating the subsequent sections accordingly:

SECTION 27. Tennessee Code Annotated, Section 48-20-102(3), is amended by deleting the subdivision in its entirety and by substituting instead:

(3) Designate or change the address of the principal office of the corporation (or a mailing address if the United States postal service does not deliver to the principal office);

SECTION 28. Tennessee Code Annotated, Section 48-20-102(6), is amended by deleting the following language:

Designate the street address and zip code of the corporation's current registered office,

and by substituting instead the following language:

Designate the street address and zip code of the corporation's current registered office (or a mailing address if the United States postal service does not deliver to the registered office),

AND FURTHER AMEND by inserting the following language as a new Sections 17 and 18 and by redesignating the subsequent sections accordingly:

SECTION 17. Tennessee Code Annotated, Section 48-17-203(b)(2), is amended by deleting the language "facsimile or other means of electronic transmission" wherever it appears and by substituting instead the language "or electronic transmission" and is further amended by deleting the language "facsimile or other electronic transmission" and "facsimiles or other electronic transmissions" and by substituting instead the language "or electronic transmission" and "or electronic transmissions", respectively.

SECTION 18. Tennessee Code Annotated, Section 48-17-203(b)(3), is amended by deleting the language "facsimile transmission" wherever it appears and by substituting instead the language "electronic transmission".

AND FURTHER AMEND by inserting the following language as new Sections 14 and 15 and by redesignating the subsequent sections accordingly:

SECTION 14. Tennessee Code Annotated, Section 48-15-102(a)(2), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(2) If the current registered office is to be changed, the street address of the new registered office and the zip code for such office (or a mailing address such as a post office box if the United States postal

service does not deliver to the registered agent's registered office), and the county in which the office is located;

SECTION 15. Tennessee Code Annotated, Section 48-15-105(a), is amended by deleting the following language:

at its registered office or principal office as shown in the records on file in the secretary of state's office

and by substituting instead the following language:

at its registered office (or designated alternative mailing address) or principal office (or designated alternative mailing address) as shown in the records on file in the secretary of state's office

AND FURTHER AMEND by inserting the following language as new Sections 12, 13, 14, and 15 and by redesignating the subsequent sections accordingly:

SECTION 12. Tennessee Code Annotated, Section 48-11-306(d), is amended by deleting the language "pursuant to § 48-11-301(i)".

SECTION 13. Tennessee Code Annotated, Section 48-11-308, is amended by inserting the language "or other electronic format" immediately following the language "facsimile".

SECTION 14. Tennessee Code Annotated, Section 48-12-102(a)(3), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(3) The street address and zip code of the corporation's initial registered office (or a mailing address such as a post office box if the United States postal service does not deliver to the registered agent's registered office), the county in which the office is located, and the name of its initial registered agent at that office;

SECTION 15. Tennessee Code Annotated, Section 48-12-102(a)(5), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(5) The street address and zip code of the initial principal office of the corporation (or a mailing address such as a post office box if the United States postal service does not deliver to the principal office);

AND FURTHER AMEND by inserting the following language as a new Section 9 and by redesignating the subsequent sections accordingly:

SECTION 9. Tennessee Code Annotated, Section 48-11-302(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The secretary of state may prescribe and shall furnish on request forms for other documents required or permitted to be filed by chapters 11-27 of this title. If the secretary of state has prescribed a mandatory form for the document, the document must be in or on the prescribed form or a conformed copy thereof.

AND FURTHER AMEND by inserting the following language as a new Section 8 and by redesignating the subsequent sections accordingly:

SECTION 8. Tennessee Code Annotated, Section 48-11-301(l), is amended by deleting the language "facsimile transmission or other electronic means" and by

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 3459 by inserting the following language at the end of § 48-18-701(7)(E)(i) in Section 36:

but only with respect to a transaction or proposed transaction to which the corporation and the other business or nonprofit corporation are parties or proposed parties and that is a transaction or proposed transaction that is or should be considered by the board of directors of the corporation

AND FURTHER AMEND by deleting the language "outside the presence of and" in § 48-18-703(a)(1) in Section 36.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Parkinson moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 3459 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

(a) This section shall be known, and may be cited, as the "Tennessee First Act".

(b) As used in this section, "Tennessee business" means a business that is a continuing, independent, for-profit business which performs a commercially useful function with residence in Tennessee.

(c)

(1) Except for construction contracts and contracts with the Tennessee department of transportation, whenever the lowest responsible and responsive bidder on a state contract for goods and services is a resident of another state which is contiguous to Tennessee and which allows a preference to a resident contractor of that state, then a like reciprocal preference is allowed to the lowest responsible and responsive bidder on the contract who is a Tennessee business.

(2) The provisions of subdivision (1) shall only apply to state contracts for goods and services where the preference allowed in the contiguous state is equal to or exceeds the allowance in subsection (d)(2).

(d)

(1) Notwithstanding any provision of law to the contrary, the chief procurement officer shall promulgate rules authorizing an allowance for Tennessee businesses in the evaluation of bids and proposals for state contracts for goods and services in accordance with this section.

(2) The allowance to be given to a Tennessee business shall not exceed five percent (5%) of the lowest responsive, responsible bidder meeting specifications and shall be applied on a sliding scale in the following manner:

(A) Five percent (5%) shall be allowed for contracts up to one million dollars (\$1,000,000);

(B) Four percent (4%) shall be allowed for contracts between one million dollars (\$1,000,000) up to ten million dollars (\$10,000,000);

(C) Three percent (3%) shall be allowed for contracts between ten million dollars (\$10,000,000) up to twenty-five million dollars (\$25,000,000);

(D) Two percent (2%) shall be allowed for contracts between twenty-five million dollars (\$25,000,000) and up to fifty million dollars (\$50,000,000); and

(E) One percent (1%) shall be allowed for contracts that exceed fifty million dollars (\$50,000,000).

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Sargent moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

5205

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

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Ayes 55
Noes..... 39

Representatives voting aye were: Brooks H, Brooks K, Butt, Carr, Casada, Cobb, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Harrison, Hawk, Haynes, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Womick, Madam Speaker Harwell -- 55

Representatives voting no were: Alexander, Armstrong, Bass, Brown, Camper, Coley, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hall, Hardaway, Harmon, Hensley, Holt, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Ragan, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Tindell, Turner J, Turner M, Windle, Wirgau -- 39

Rep. Shepard moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 3459 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____.

(a) This section shall be known and may be cited as the "Tennessee Workers First Act".

(b) When a hiring a person for a position within state government, the appointing authority shall give preference to hiring persons who reside in Tennessee.

Rep. Dennis moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes 55
Noes..... 39

Representatives voting aye were: Brooks H, Brooks K, Butt, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Floyd, Ford, Forgety, Gotto, Halford, Harrison, Hawk, Haynes, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Todd, Watson, Weaver, White, Williams K, Williams R, Womick, Madam Speaker Harwell -- 55

Representatives voting no were: Alexander, Armstrong, Bass, Brown, Campbell, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hall, Hardaway, Harmon, Hensley, Holt, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Parkinson, Pitts, Pruitt, Ragan, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Tindell, Turner J, Turner M, Windle, Wirgau -- 39

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Rep. Dennis moved that House Bill No. 3459, as amended, be reset for the Regular Calendar on April 25, 2012, which motion prevailed.

House Bill No. 3870 -- Atoka - As introduced, subject to local approval, revises the town charter. - Amends Chapter 373 of the Private Acts of 1911; as amended. by *Rich. (*SB3800 by *Norris)

Rep. Rich moved that **House Bill No. 3870** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 97

A motion to reconsider was tabled.

JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Reps. Lollar and L. Miller voted "aye" on **House Bill No. 3870**.

REGULAR CALENDAR, CONTINUED

House Bill No. 3051 -- Clerks, Court - As introduced, authorizes clerks with electronic filing systems to charge \$120 for each registered user of the system and to institute an 8-cent per page copy transaction fee. - Amends TCA Section 8-21-401. by *Rich, *Brooks K. (*SB2686 by *Kelsey)

Rep. Rich moved that House Bill No. 3051 be passed on third and final consideration.

Rep. Haynes moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 3051 By deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated Section 8-21-401 is amended by adding the following language as a new appropriately designated subsection:

() (1) **Fees for electronic filing and retrieval of court documents.** In any court where electronic filing, signing, or verification of papers has been authorized by local court rule, and in accordance with Rule 5B of the Tennessee Rules of Civil Procedure, clerks may charge a one-time subscription fee for each registered user of the electronic filing system in an amount not to exceed one hundred twenty dollars(\$120). In addition clerks may charge a copy transaction fee not to exceed eight cents (\$.08) per page. Such copy transaction fee shall not apply to the first copy of any document requested by a litigant or a litigant's attorney, and shall not exceed a total charge of two dollars and ten cents (\$2.10) for any single document. Each of these fees shall be set in an amount necessary to defray the expenses associated with implementation and maintenance of the electronic filing and document retrieval system and shall be included in the local court rule authorizing it. Pursuant to subsection (I), these fees shall not be assessed against the state.

(2) In any court where electronic filing, signing, or verification of papers has been authorized by local court rule, the state and any department or contractor of the state shall not be required to file documents electronically, notwithstanding any local court rule.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Rich moved that **House Bill No. 3051**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd,

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Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 92

Representatives voting no were: Windle -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **House Bill No. 3051** and have this statement entered in the Journal: Rep(s). Dean.

REGULAR CALENDAR, CONTINUED

House Bill No. 3688 -- State Government - As introduced, authorizes certain departments, boards and other governmental entities to allow holders of licenses, certifications or registrations to be notified by electronic mail of renewals, fee increases and changes in the law. - Amends TCA Title 4; Title 37; Title 45; Title 62; Title 63 and Title 71. by *Rich. (*SB3644 by *Watson, *Ramsey, *Ketron)

On motion, House Bill No. 3688 was made to conform with **Senate Bill No. 3644**; the Senate Bill was substituted for the House Bill.

Rep. Rich moved that Senate Bill No. 3644 be passed on third and final consideration.

Rep. Haynes moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rich moved that **Senate Bill No. 3644** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 3644** and have this statement entered in the Journal: Rep(s). Casada.

REGULAR CALENDAR, CONTINUED

***House Bill No. 3208** -- Fairs - As introduced, authorizes the commissioner of agriculture to appoint a state fair advisory commission to develop criteria and other standards for the Tennessee state fair. - Amends TCA Title 4; Title 5; Title 12; Title 43 and Title 67. by *Womick. (SB3603 by *Haynes, *Henry)

Rep. Womick moved that House Bill No. 3208 be passed on third and final consideration.

Rep. Niceley moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3208 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, is amended by adding the following language as a new chapter:

4-57-101. This chapter shall be known and may be cited as the "Tennessee State Fair and Exposition Act."

4-57-102. It is the intent of the general assembly that the commission created herein shall be the sole body in Tennessee charged with administering a state fair and exposition.

4-57-103. For the purposes of this chapter unless the context otherwise requires:

(1) “Commission” means the Tennessee state fair and exposition commission;

(2) “Fair” or “exposition” means an exhibition of agricultural, business, manufacturing, or other industries and labor, education service organizations, social and religious groups or any other events or activities consistent with the general welfare and interests of the people of the state, and includes such services as are necessary for the care and comfort or amusement of the public. Such services include rest areas, sanitary and other such comforts, and concessions for food, drink, amusements, and the sale of trinkets;

(3) “Exhibition” means one (1) or more displays or demonstrations which are of educational or entertainment value to those witnessing such exhibition;

(4) “Department” means the department of agriculture; and

(5) “Commissioner” means the commissioner of agriculture.

4-57-104. Notwithstanding any other law to the contrary establishing a state fair board, there is hereby created within the department of agriculture a state fair and exposition commission which shall be composed of the following members to be appointed by the governor:

(1) The commissioner of agriculture, the commissioner of tourist development and the commissioner of economic and community development, or their designees, who shall be ex officio members with voting rights on such commission;

(2) The dean of the University of Tennessee extension;

(3) The president of the Tennessee Farm Bureau;

(4) One (1) member nominated by the mayor of the host county of the fair or exposition; and

(5) Such other members as the governor may appoint to carry out the purposes of the commission.

4-57-105. The commission is authorized and empowered to:

(1) Contract with a Tennessee not for profit corporation for the purpose of operating, managing and conducting at least one (1) fair or exposition annually, under the supervision of the commission, with such additional fairs, expositions, or exhibitions as the commission determines are in the general public interest;

(2) Enter into any contracts and agreements necessary and do and perform any acts necessary to carry out the purposes of this chapter;

(3) Maintain and manage property held by the state for the purpose of conducting fairs, expositions, and exhibits;

(4) Accept gifts, contributions and bequests of unrestricted funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the objectives of the commission's programs;

(5) Accept on behalf of the state conveyances of property for the purposes of conducting fairs, expositions, and exhibits, subject to any terms and conditions agreed to by the commission;

(6) Sell or convey all or a portion of the property, land, or buildings under its management subject to the approval of the state building commission;

(7) Grant leases on all or any part of the property, land, or buildings under the management of the commission to private or public organizations, which appear to be in the best interests of the state;

(8) Recommend to the commissioner such rules and regulations that should be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, in order to carry out the purposes of the commission; and

(9) Form advisory panels, as needed, from qualified persons within the state to obtain their advice and counsel on matters pertaining to the state fair. Members of these panels shall serve at the will and pleasure of the commission and shall receive no compensation.

4-57-106. The use of the name "Tennessee State Fair" or "Tennessee State Exposition" in Tennessee to denote a fair serving the state shall only be granted by the department of agriculture with the approval of the commission.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Agriculture Committee Amendment No. 1 was adopted.

Rep. Cobb moved adoption of Government Operations Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 3208 by adding the following language at the end of SECTION 1 of the bill as amended:

4-57-107. The division of state audit shall include as part of its scheduled audit of the department of agriculture a review of the Tennessee state fair and exposition commission including, but not limited to, the commission's authority and function.

On motion, Government Operations Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Gotto moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 3208 By designating the amendatory language of Section **4-57-107** of Section 1, as amended, as subsection (a) and by adding the following language to be designated as subsection (b):

(b) At least one (1) Tennessee State Fair or Tennessee State Exposition shall be held annually within the county in which the seat of state government is located, as determined by law.

Rep. Womick moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	56
Noes.....	32
Present and not voting.....	2

Representatives voting aye were: Alexander, Brooks K, Brown, Butt, Carr, Cobb, Coley, DeBerry L, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Halford, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lundberg, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Pody, Powers, Ragan, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Swann, Tidwell, Tindell, Weaver, White, Williams R, Windle, Wirgau, Womick -- 56

Representatives voting no were: Armstrong, Brooks H, Camper, Cooper, DeBerry J, Favors, Fitzhugh, Gilmore, Gotto, Hall, Hardaway, Jones, Kernell, Lollar, Maggart, Miller L, Moore, Naifeh, Niceley, Parkinson, Pruitt, Ramsey, Richardson, Sontany, Sparks, Stewart, Todd, Turner J, Turner M, Watson, Williams K, Madam Speaker Harwell -- 32

Representatives present and not voting were: Dennis, McDonald -- 2

Rep. Carr moved the previous question, which motion failed.

After further discussion, Rep. B. Cooper moved the previous question, which motion failed.

After further discussion, Rep. M. Turner moved the previous question, which motion prevailed.

Rep. Womick moved that **House Bill No. 3208**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes.....	2
Present and not voting.....	2

Representatives voting aye were: Alexander, Bass, Brooks H, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway,

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Representatives voting no were: Brown, Turner M -- 2

Representatives present and not voting were: Favors, Pruitt -- 2

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “no” on the tabling motion to Amendment No. 3 on **House Bill No. 3208** and have this statement entered in the Journal: Rep(s). Casada.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on the tabling motion to Amendment No. 3 on **House Bill No. 3208** and have this statement entered in the Journal: Rep(s). Favors.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on the tabling motion to Amendment No. 3 on **House Bill No. 3208** and have this statement entered in the Journal: Rep(s). Ramsey.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2962** -- Criminal Procedure - As introduced, specifies that when a court orders a defendant charged with a misdemeanor to be evaluated for insanity or mental illness, the court shall also order the evaluation to be complete within 15 days from the time the professional evaluator receives the court order. - Amends TCA Title 33, Chapter 7, Part 3. by *Womick. (SB2826 by *Ketron)

Rep. Womick moved that House Bill No. 2962 be passed on third and final consideration.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2962 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 33-7-304, is amended by adding the following as a new subsection thereto:

(c) Where a court orders a defendant charged with a misdemeanor to be evaluated under § 33-7-301(a), the court shall order that any inpatient evaluation be completed within thirty (30) days of admission to the facility.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Womick moved that **House Bill No. 2962**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

***House Bill No. 2492** -- Human Services, Dept. of - As introduced, directs the department to develop a plan for Tennessee to assist in rehabilitating victims of human trafficking. - Amends TCA Title 38 and Title 71. by *Coley, *Hurley, *Cooper B, *Turner J, *Maggart, *Camper, *Weaver, *Favors, *Jones S, *Brown, *Floyd, *Sparks, *Swann, *Todd, *Gilmore, *Richardson. (SB2370 by *Marrero, *Harper, *Berke, *Ford, *Herron, *Overbey)

On motion, House Bill No. 2492 was made to conform with **Senate Bill No. 2370**; the Senate Bill was substituted for the House Bill.

Rep. Coley moved that Senate Bill No. 2370 be passed on third and final consideration.

Rep. Watson moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2370 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 1, Part 1, is amended by adding the following as a new section thereto:

(a) The commissioner of the department of human services shall establish a plan for the delivery of services to victims of human trafficking after consultation with the following departments:

- (1) Department of children's services;
- (2) Department of health;
- (3) Department of intellectual and developmental disabilities;
- (4) Department of mental health; and
- (5) Tennessee bureau of investigation.

(b) The plan developed under subsection (a) shall include, but not be limited to, provisions to:

- (1) Identify victims of human trafficking in this state;
- (2) Identify community-based services for victims of human trafficking;
- (3) Assist victims of human trafficking through the provision of information regarding access to benefits and services to which those victims may be entitled;
- (4) Coordinate delivery of services and information concerning health care, mental health care, legal services, housing, job training, education and victim's compensation funds;
- (5) Prepare and disseminate educational materials and provide training programs to increase awareness of human trafficking and the services available to victims; and
- (6) Assist victims of human trafficking with family reunification.

(c) In addition to the requirements of subsection (b), the plan shall include a timeline for which the department anticipates the state would be capable of implementing the plan, along with anticipated rates of assistance to victims of human trafficking, cost of implementation, an itemized rationale for both, and any other factor that the department opines will significantly contribute to or detract from the success of implementing the plan.

(d) By July 1, 2013, the department of human services shall transmit a copy of the plan and issue a report to the chair of the judiciary committee of the senate and the chair of the judiciary committee of the house of representatives.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

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Rep. Coley moved that **Senate Bill No. 2370**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 96

A motion to reconsider was tabled.

***House Bill No. 2753** -- Education - As introduced, authorizes local boards of education to receive federal or private grants and to expend grant funds for purposes of the grant without seeking approval of or appropriation by the local legislative body; unless the grant requires matching funds. - Amends TCA Title 49, Chapter 2. by *Hensley. (SB3044 by *McNally, *Ford)

On motion, House Bill No. 2753 was made to conform with **Senate Bill No. 3044**; the Senate Bill was substituted for the House Bill.

Rep. Hensley moved that Senate Bill No. 3044 be passed on third and final consideration.

Rep. Montgomery moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hensley moved that **Senate Bill No. 3044** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 93

Representatives voting no were: Naifeh -- 1

A motion to reconsider was tabled.

***House Bill No. 2825** -- Controlled Substances - As introduced, permits county medical examiners to access the controlled substance database, absolves civil and criminal liability for authorized users acting in good faith within the proscribed limits, and establishes a presumption of good faith action where a medical examiner accesses the information for the purpose of conducting an investigation into a death or making a report as required by the duties of the position. - Amends TCA Title 38, Chapter 7; Title 39 and Title 53, Chapter 10. by *Hensley. (SB2776 by *McNally, *Burks, *Crowe)

On motion, House Bill No. 2825 was made to conform with **Senate Bill No. 2776**; the Senate Bill was substituted for the House Bill.

Rep. Hensley moved that Senate Bill No. 2776 be passed on third and final consideration.

Rep. Casada moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2825 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 53-10-306(d), is amended by deleting the language "(a)(6)(C)" wherever it appears in subdivisions (1) and (2) and by substituting instead the language "(a)(7)(C)".

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Hensley moved that **Senate Bill No. 2776**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

A motion to reconsider was tabled.

TUESDAY, APRIL 24, 2012 – SEVENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 3456 -- Board of Regents - As introduced, allows the court to award back pay to a tenured faculty member whose dismissal the court finds was not appropriate. - Amends TCA Section 49-8-304. by *Hensley. (*SB3023 by *Gresham, *Ketron, *Burks)

On motion, House Bill No. 3456 was made to conform with **Senate Bill No. 3023**; the Senate Bill was substituted for the House Bill.

Rep. Hensley moved that **Senate Bill No. 3023** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Marsh, Matheny, Matlock, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

***House Bill No. 2601** -- Emergency Communications Districts - As introduced, defines "Public Safety Answering Point" or "PSAP" to mean a facility that receives 911 calls and routes them to emergency services personnel. - Amends TCA Section 7-86-103. by *Sparks. (SB3061 by *Yager)

On motion, House Bill No. 2601 was made to conform with **Senate Bill No. 3061**; the Senate Bill was substituted for the House Bill.

Rep. Sparks moved that Senate Bill No. 3061 be passed on third and final consideration.

Rep. Sparks requested that Senate Bill No. 3061 be moved to the heel of the Calendar.

***House Bill No. 3855** -- Rutherford County - As introduced, subject to local approval, removes requirement that persons be issued wheel tax decals for display on license plates as evidence of having paid such tax. - Amends Chapter 329 of the Private Acts of 1970; as amended. by *Sparks, *Womick, *Carr. (SB3786 by *Tracy, *Ketron)

Rep. Sparks requested that House Bill No. 3855 be moved down 1 place on the Calendar.

TUESDAY, APRIL 24, 2012 – SEVENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 929 -- Special License Plates - As introduced, requires comptroller to report any audit of a nonprofit organization receiving funds from sale of new specialty earmarked license plate to senate and house transportation committees within 30 days of audit. - Amends TCA Title 8; Title 54 and Title 55. by *Sparks. (*SB668 by *Ketron, *Tracy, *Herron)

On motion, House Bill No. 929 was made to conform with **Senate Bill No. 668**; the Senate Bill was substituted for the House Bill.

Rep. Sparks moved that Senate Bill No. 668 be passed on third and final consideration.

Rep. P. Johnson moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sparks moved that **Senate Bill No. 668** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

***House Bill No. 3855** -- Rutherford County - As introduced, subject to local approval, removes requirement that persons be issued wheel tax decals for display on license plates as evidence of having paid such tax. - Amends Chapter 329 of the Private Acts of 1970; as amended. by *Sparks, *Womick, *Carr. (SB3786 by *Tracy, *Ketron)

Further consideration of House Bill No. 3855 previously considered on today's Calendar.

On motion, House Bill No. 3855 was made to conform with **Senate Bill No. 3786**; the Senate Bill was substituted for the House Bill.

Rep. Sparks moved that Senate Bill No. 3786 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ramsey moved that the House reconsider its action in withdrawing State and Local Government Committee Amendment No. 1, which motion prevailed.

TUESDAY, APRIL 24, 2012 – SEVENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Ramsey moved that the motion to withdraw State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ramsey moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3855 By deleting in its entirety the last sentence of the fifth paragraph of Section 2 which reads as follows:

It shall be and is hereby declared a misdemeanor and punishable as such for any person to operate any motor-driven vehicle, taxable hereunder, over or upon the streets, roads, or highways of the County, or any municipality thereof, State-maintained roads excluded, without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof.

and by substituting instead the following language:

It is a violation of this act and punishable as such for any person to operate any motor-driven vehicle, taxable hereunder, over or upon the streets, roads, or highways of the County, or any municipality thereof, state-maintained roads excluded, without payment of this privilege tax levied hereunder and without full and complete compliance with all provisions hereof.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. P. Johnson moved that Senate Bill No. 3786 be reset for the Regular Calendar on April 25, 2012, which motion prevailed.

***House Bill No. 3400** -- Planning, Public - As introduced, enacts the "Tennessee Local Land Bank Pilot Program." - Amends TCA Title 13. by *Ragan. (SB3223 by *McNally, *Yager)

On motion, House Bill No. 3400 was made to conform with **Senate Bill No. 3223**; the Senate Bill was substituted for the House Bill.

Rep. Ragan moved that Senate Bill No. 3223 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 3400 by adding the following language immediately after § 13-30-112(b) under SECTION 1 of the bill as amended:

(c) The board of directors the corporation shall cause an annual audit to be made of the books and records of the corporation. With prior approval of the comptroller of the treasury, the audit may be performed by a licensed certified public accountant selected by the corporation. If a licensed certified public accountant is employed, the audit contract between the corporation and the licensed certified public accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the corporation. The comptroller of the treasury, through the department of audit, shall be responsible for determining that the audits are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum standards prescribed by the comptroller of the treasury.

(d) In the event the governing body of the corporation fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a licensed certified public accountant, or direct the department of audit, to prepare the audit, the cost of the audit to be paid by the corporation.

(e) A copy of the annual audit referenced in subsection (c) shall be filed annually with the creating local government or local governments.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 2, as House Amendment No. 3, as follows:

Amendment No. 3

AMEND House Bill No. 3400 by deleting the following language in § 13-30-118 in Section 1:

(4) The appeals committee shall deliberate and render a decision by a majority vote as to whether the official acted appropriately in making the decision. The decision shall also include a recommendation for appropriate legislative body of the local government, if any is required or recommended, to remedy the issue in accordance with the decision rendered by the appeals committee.

and by substituting instead the following language:

(4) The appeals committee shall deliberate and render a decision by a majority vote as to whether the official acted appropriately in making the decision. The decision shall also include a recommendation for appropriate legislative action to be taken by the local government, if any is required or recommended, to remedy the issue in accordance with the decision rendered by the appeals committee.

On motion, Finance, Ways and Means Committee Amendment No. 2, as House Amendment No. 3, was adopted.

Rep. Ragan requested that Senate Bill No. 3223 be moved to the heel of the Calendar.

House Bill No. 1959 -- Taxes, Hotel Motel - As introduced, decreases from 5% to 4% the hotel occupancy tax. - Amends TCA Title 7 and Title 67. by *Swann, *Montgomery, *Ramsey. (*SB1452 by *Overbey, *Finney L)

Rep. Swann moved that House Bill No. 1959 be passed on third and final consideration.

Rep. Ramsey moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1959 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 7, is amended by adding Sections 2 through 17 of this act as a new, appropriately designated chapter.

SECTION 2. This chapter shall be known and may be cited as the "Tourism Development Authority Act".

SECTION 3.

(a)

(1) Any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee has authority to establish a Tourism Development Authority, hereafter referred to as "authority", within the area of the local governments establishing the authority. The establishment of such an authority may also include the participation of a local chamber of commerce in such manner and to the extent authorized by the local governments creating the authority.

(2)

(A) It is declared that any tourism development authority created pursuant to this chapter:

(i) Is a public body corporate and politic, performing a public function on behalf of its creating municipalities;

(ii) Is a public and governmental body acting as an agency and instrumentality of the municipality or county or any combination of any municipality or county with respect to which the authority is organized; and

(iii) That the acquisition, operating and financing of any project by such authority is declared to be for a public and governmental purpose and a matter of public necessity.

(B) All property and revenues of the authority or any interest in the property and revenues and the income from the properties and all bonds issued by the authority and the income from the bonds shall be exempt from all state, county and municipal taxation.

(C) For purposes of the Tennessee Securities Act of 1980, compiled as title 48, chapter 2, part 1, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the state of Tennessee.

(b)

(1) An authority shall come into existence under the terms of this chapter when any government votes or a combination of governments specified in subsection (a) each vote by majority vote of its governing body to establish an authority. Evidence of such authorization shall be proclaimed and countersigned by the presiding officer of each participating county or municipality and certified by such officer to the secretary of state.

(2) The governing bodies of all governments voting to become members of an authority shall indicate their willingness to appropriate sufficient funds to provide for the initial administration of the authority as a part of the authorization process.

(3) The creating municipality or municipalities are authorized to provide funding and appropriate money to the authority in such manner as directed by the governing bodies, which may include appropriation from the general fund or from an occupancy tax imposed by the municipality or municipalities to the extent authorized by the governing body of each such municipality.

(c) As used in this act:

(1) "Board" means the board of directors of the authority;

(2) "Governing body" means the legislative body of the creating municipality or municipalities;

(3) "Municipality" means any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee;

(4) "Project" means any facilities or group of facilities to be owned or controlled (either through ownership, lease or an easement) by the authority or other governmental entity and that is available for use by the public including, without limitation, visitor centers, recreational facilities such as greenways and trails, and other governmentally-owned tourist attractions, provided, that any such project shall be determined by the

authority to promote tourism in the municipality or municipalities creating the authority; and

(5) "Tourism" means the planning and conducting of programs of information and publicity designed to attract tourists, visitors and other interested persons from outside the area of the municipality or municipalities creating the authority and also encouraging and coordinating the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the area, and shall also include the acquisition, construction, and remodeling of facilities useful in the attraction and promoting of tourists, conventions, and recreational business.

SECTION 4.

(a) The authority shall have the following powers, together with all powers incidental to the following powers or necessary for the performance of those powers, to:

(1) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(2) Acquire, whether by purchase, construction, exchange, gift, lease, or otherwise, and design, plan, site, improve, repair, extend, equip, furnish, operate and maintain one (1) or more projects, which projects shall be within the jurisdictional boundaries of the governmental entities establishing the authority, including all real and personal properties that the board of directors of the authority may deem necessary in connection with the projects and regardless of whether or not any such projects shall then be in existence, and including the power to demolish any existing structures as may be on sites acquired when such structures are not needed for the project;

(3) To appoint agents and employees, describe their qualifications and fix their compensation;

(4) Operate, maintain, manage, and enter into contracts for the operation, maintenance and management of any project undertaken, and to make rules and regulations with regard to such operation, maintenance and management;

(5) Employ, contract with, fix the compensation of, and discharge engineering, architectural, legal, financial and other professional experts, consultants, agents and employees as may be necessary to carry out the purposes of this chapter and to provide for the proper construction, operation and maintenance of any project;

(6) Lease, rent and contract for the operation of all or any part of any project, and charge and collect rent for the project and terminate any such lease upon the failure of the lessee to comply with any of the

obligations of the lease and include in or exclude from any such lease provisions that the lessee shall have the option to renew the term of the lease for such period or periods and at such rent as shall be determined by the board of directors;

(7) Lease such space in a project as from time to time may not be needed for related purposes to any other person, corporation, partnership or association for such purposes as the board of directors may determine are in the best interest of the authority or will help facilitate the purposes for which the authority was created, and upon such terms and in such manner as the board may determine;

(8) Fix and collect fees and charges for the use of any and all of the projects of the authority;

(9) Make contracts, including without limitation contracts with service providers;

(10) Sell, exchange, donate, and convey any or all of its properties, whenever the board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;

(11) Procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the authority in the performance of the duties of such person's office or employment or any other insurable risk, as the board of directors, in its discretion, may deem necessary;

(12) Accept donations, contributions, revenues, capital grants or gifts from any individuals, associations, public or private corporations, and municipalities, the State of Tennessee or the United States, or any agency or instrumentality of the State of Tennessee or the United States, for or in aid of any of the purposes of this act and enter into agreements in connection with the donations, contributions, revenues, capital grants or gifts;

(13) Obtain such licenses, permits, approvals and accreditations as the authority deems necessary in connection with any project;

(14) Borrow money from time to time and, in evidence of any obligation incurred, issue and, pursuant to Section 12, sell its revenue bonds in accordance with this chapter and the applicable provisions of title 9, chapter 21, in such form and upon such terms as its board of directors may determine, payable out of any revenues of the authority, including grants or contributions or other revenues specifically provided to the authority, for the purpose of financing the cost of any project and refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the board of directors;

(15) Mortgage and pledge as security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection with the bonds, any or all of the projects or any part or parts of the projects, whether then owned or thereafter acquired; and

(16) Exercise all powers expressly given herein and establish bylaws and make all rules and regulations not inconsistent with this chapter, deemed expedient for the management of the affairs of the authority.

(b) The authority shall not be required to have a seal.

SECTION 5.

(a) The authority shall have a board of directors in which all powers of the authority shall be vested. Such board shall consist of any number of directors, no fewer than five (5), a majority of whom shall be duly qualified electors of and taxpayers in the creating municipality or municipalities as this term is defined in Section 3(c).

(b) The creating municipality or municipalities, if more than one (1) municipality has jointly created an authority, shall determine the number of directors, whether and to what extent the members of the local legislative bodies and the local chamber of commerce shall serve as members, the manner each director shall be appointed or elected and the manner of filling vacancies.

(c) The directors of the authority shall serve without compensation, except for reimbursement of necessary expenses incurred by directors in performance of their duties. All directors shall be residents of the county for which the authority is acting.

(d)

(1) The term of each director on the authority shall be for six (6) years, provided that any director shall continue to serve beyond the end of the director's term until the director's successor has been appointed. At the first organizational meeting of the authority, the creating municipality shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year.

(2) If a creating municipality had established a tourism board, upon approval of the municipality or all municipalities if more than one (1) municipality was a part of establishing a tourism board, the board of the tourism board may become the initial board of the authority in such manner as directed by the creating municipality or municipalities.

(3) The authority shall provide to each governing body the initial terms assigned to each director.

(4) The term of a director is renewable, subject to reappointment.

SECTION 6. A majority of the board of the authority shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required, or otherwise by state law, the vote of a simple majority of the directors of the authority present at any meeting at which a quorum is present shall be the action of the authority. To the extent permitted by applicable law, the authority may permit any or all directors to participate in an annual, regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

SECTION 7. Public notice of all meetings, whether annual, regular or special, of the authority, shall be given in accordance with the open meetings law compiled in Tennessee Code Annotated, title 8, part 44.

SECTION 8.

(a) The officers of the authority shall consist of a chairman, vice-chairman, secretary, treasurer, and such other officers as the authority shall from time to time deem necessary or desirable. The offices of secretary and treasurer may be held by the same person. (i) The chairman shall preside at all meetings of the directors, discharge all the duties which devolve upon a presiding officer, and perform such other duties as may be prescribed by the authority.

(b) The vice-chairman shall perform such duties as may be assigned to the vice-chairman. In the case of the death, disability or absence of the chairman, the vice-chairman shall perform and be vested with all the duties and powers of the chairman. The secretary shall keep the record of the minutes of the proceedings in each meeting and shall have custody of all books, records, and papers of the authority, except such as shall be in charge of the treasurer or such other person or persons authorized to have custody and possession thereof by a resolution of the authority. The treasurer shall keep account of all money received and disbursed and shall deposit such funds with a bank or trust company which is a member of the Federal Deposit Insurance Corporation or invest such funds in investments that would be eligible investments for a county.

(c) Other officers shall perform such duties as shall be designated by the authority.

(d) Each of such officers may be removed at any time by the affirmative vote of a majority of the board of the authority.

SECTION 9. The initial officers of the authority shall be elected by the board of directors at its first meeting following the appointment of the directors or as soon thereafter as may be convenient. Each initial officer shall hold office until the first annual meeting of the authority, which shall be held in January following the year the authority is created and thereafter until his or her successor has been duly elected and qualified. Subsequent officers of the corporation shall be elected at the annual meeting of the authority. Each such officer shall be elected for a one-year term but shall continue to hold office until his or her successor has been duly elected and qualified. The annual meeting of the authority shall be held in January of each year.

SECTION 10. The board of directors of the authority shall cause an annual audit to be made of the books and records of the authority. Such audits shall be prepared in accordance with generally accepted governmental auditing standards and such audits shall meet any minimum standards prescribed by the comptroller of the treasury of the state for public entities such as the authority. Such audits shall be prepared by certified public accountants. Before the commencement of each fiscal year, the authority shall adopt a budget for such fiscal year and file such budget with the municipalities.

SECTION 11.

(a) For the purpose of aiding and cooperating with the authority, each municipality may assign or loan any of its employees, including its engineering staff and facilities, and may provide necessary office space, equipment, and other facilities for the use of the authority, as the governing body of such municipality shall approve.

(b) Each municipality may make donations of property, real or personal, or cash grants to the authority, and may loan funds to the authority in such amount or amounts as it may deem proper and appropriate in aiding the authority to accomplish its purpose.

(c) Each municipality may convey real property or personal property to the authority, and the authority is authorized to accept such a conveyance.

SECTION 12.

(a) The authority shall have power and is authorized to issue its bonds in accordance with this chapter and in accordance with the Local Government Public Obligations Law, compiled in title 9, chapter 21, and for such purposes the bonds shall be treated as revenue obligations of the authority under this chapter, in order to finance:

(1) The costs of any project;

(2) The payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and

marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses;

(3) Reimbursement of the authority for moneys previously spent by the authority for any of the foregoing purposes; and

(4) The establishment of reasonable reserves for the payment of debt service on such bonds, for repair and replacement of any project, or for such other purposes as the board shall deem necessary and proper in connection with the issuance of any bonds and operation of any project for the benefit of which the financing is being undertaken.

(b) The authority shall have the power and is hereby authorized to issue its bonds to refund and refinance outstanding bonds of the authority heretofore or hereafter issued or lawfully assumed by the authority; provided that in accordance with title 9, chapter 21, the authority shall request a report on any proposed refunding from the office of the comptroller. The proceeds of the sale of the bonds may be applied to:

(1) The payment of the principal amount of the bonds being refunded and refinanced;

(2) The payment of the redemption or tender premium thereon, if any;

(3) The payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) The payment of fees or other charges incident to the termination of any interest rate hedging agreements, liquidity or credit facilities, or other agreements related to the bonds being refunded and refinanced;

(5) The payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(6) The payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses, and the costs of refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee and escrow agent fees in connection with any

escrow, and accounting, legal and other professional fees in connection therewith; and

(7) The establishment of reserves for the purposes set forth in subdivision (a)(4) above.

Refunding bonds may be issued to refinance and refund more than one (1) issue of outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) No bonds shall be issued hereunder unless authorized to be issued or assumed by resolution of the board or directors of the authority. Bonds authorized to be issued hereunder may be issued in one (1) or more series, may bear such date or dates, mature at such time or times, not exceeding forty (40) years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or without premium, as such resolution or resolutions may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price or prices as the board of directors, or its designee, shall determine. The authority may enter into such agreements in connection with the issuance of any bonds as its board of directors may approve, including without limitation, credit agreements and bond purchase agreements.

(d) Bonds may be repurchased by the authority out of any available funds at such price as the board of directors shall determine, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board of directors may determine.

(e)

(1) All bonds issued by the authority shall be payable solely out of the revenues of the authority, including tax revenues, as may be designated by the board of directors of the authority.

(2) The principal of and interest on any bonds issued by the authority shall be secured, as may be designated by the board of directors of the authority, by a pledge of the tax revenues allocable to the authority, by a pledge of the authority's rights under agreements, leases and other contracts, or by a mortgage or deed of trust covering all or any part of the projects from which the revenues so pledged may be derived. The proceedings under which the bonds are authorized to be issued and any such pledge

agreement or mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered by the bonds, the fixing and collection of rents for any portions of projects leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions of this act. Each pledge, agreement, or mortgage or deed of trust made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the pledge, agreement, or mortgage or deed of trust were made shall have been fully paid. In the event of default in such payment or in any agreement of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage or deed of trust executed as security for the bonds, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity or by foreclosure of any such mortgage or deed of trust, or any one (1) or more of such remedies.

(f) Bonds and notes of the authority shall be executed in the name of the authority by such officers of the authority and in such manner as the board of directors may direct. If so provided in the proceedings authorizing the bonds, the facsimile signature of any of the officers executing such bonds may appear on the bonds in lieu of the manual signature of such officer.

(g) Any bonds and notes of the authority may be sold at public or private sale to the extent authorized for local governments, for such price and in such manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all expenses, premiums and commissions that its board of directors may deem necessary or advantageous in connection with the issuance of the bonds.

SECTION 13. No municipality shall in any event be liable for the payment of the principal of or interest on any bonds of the authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever that may be undertaken by the authority, and none of the bonds of the authority or any of its agreements or obligations shall be construed to constitute an indebtedness of any municipality within the meaning of any constitutional or statutory provision whatsoever.

SECTION 14. Any municipality is authorized to aid or otherwise provide assistance to the authority, including entering into leases of projects, or parts of projects with an authority, for such term or terms and upon such conditions as may be determined by the governing body of such municipality, notwithstanding and without regard to the restrictions, prohibitions, or requirements of any other law, whether public or private.

SECTION 15. All leases, contracts, deeds of conveyance, or instruments in writing executed by the authority, shall be executed in the name of the authority by the chairman of the authority, or by such other officer as the board of directors of the authority, by resolution, may direct.

SECTION 16. As a public body, no part of the net earnings of the authority remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the board of directors of the authority shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the authority, then any net earnings of the authority thereafter accruing shall be paid to the municipality or municipalities with respect to which the authority was organized; provided, that nothing contained in this section shall prevent the board of directors from transferring all or any part of its properties in accordance with the terms of any lease entered into by the authority.

SECTION 17. Whenever the board of directors of the authority, by resolution, determines that there has been substantial compliance with the purposes for which the authority was formed, and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, then the members of the board of directors shall thereupon execute and file for record in the office of the secretary of state a certificate of dissolution reciting such facts and declaring the authority to be dissolved. Upon the filing of such certificate of dissolution, the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the municipality and if created by a combination of any municipality and county, in the manner approved by such entities, and possession of such funds and properties shall forthwith be delivered to such municipality. Upon dissolution of the authority, any of its assets shall be distributed as shall be directed by the municipality or by agreement of the municipalities but in no event shall such costs be distributed to any person other than a governmental entity.

SECTION 18. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 1959 By deleting subsection (a) of Section 5, as amended, and by substituting instead the following language:

(a) The authority shall have a board of directors in which all powers of the authority shall be vested. Such board shall consist of any number of directors, no fewer than (5). The creating municipality or municipalities are authorized to establish the qualifications for the board members, which may include the number of board members that must be qualified voters, taxpayers, property owners or residents.

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AND FURTHER AMEND by deleting the first sentence of subsection (d)(1) of Section 5, as amended, and by substituting instead the following language:

The creating municipality or municipalities shall establish the term of office of each director of the authority, provided that any director shall continue to serve beyond the end of the director's term until the director's successor has been appointed.

AND FURTHER AMEND by deleting subdivision (c)(3) from Section 3 and by substituting instead the following language:

(3) "Municipality" means any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee; provided that such term does not mean nor include any county having a population of over nine hundred thousand (900,000) according to the 2010 federal census or any subsequent federal census or any municipality located within such county;

AND FURTHER AMEND by deleting subdivision (a)(2)(B) from Section 3 and by substituting instead the following language:

(B) The authority and all properties at any time owned by it, and the income and revenues from such properties, and all bonds issued by the authority, and the income from the bonds, shall be exempt from all state, county and municipal taxation except for inheritance, transfer and estate taxes, and except as otherwise provided in this code.

AND FURTHER AMEND by deleting the language "by a pledge of the tax revenues allocable to the authority" from subsection (e)(2) of Section 12 and by substituting instead the language "by a pledge of the tax revenues by general law or private act allocable to the authority".

AND FURTHER AMEND by deleting the last two sentences of Section 6 and by substituting instead the following language:

The board may participate by electronic or other means of communication for the benefit of the public and the board in connection with any meeting authorized by law. To the extent the such participation occurs, the provisions of § 8-44-108 shall apply.

AND FURTHER AMEND by deleting Section 7 and by substituting instead the following language:

SECTION 7. All meetings of the board of directors are declared to be public meetings open to the public pursuant to title 8, chapter 44, part 1.

AND FURTHER AMEND by deleting Section 10 in its entirety and by substituting instead the following language:

(a) The board of directors of each authority shall cause an annual audit to be made of the books and records of the authority. With prior approval of the

comptroller of the treasury, the audit may be performed by a licensed certified public accountant selected by the authority. If a licensed certified public accountant is employed, the audit contract between the authority and the licensed certified public accountant shall be on contract forms prescribed by the comptroller of the treasury. The cost of any audit shall be paid by the authority. The comptroller of the treasury, through the department of audit, shall be responsible for determining that the audits are prepared in accordance with generally accepted government auditing standards and that the audits meet the minimum standards prescribed by the comptroller of the treasury.

(b) In the event the governing body of the authority fails or refuses to have the audit prepared, then the comptroller of the treasury may appoint a licensed certified public accountant, or direct the department of audit, to prepare the audit, the cost of the audit to be paid by the authority.

(c) Each authority shall prepare an annual report of its business affairs and transactions. A copy of such report and a copy of the annual audit referenced in subsection (a) shall be filed annually with the governing body of the municipality granting permission to the authority to organize.

(d) Before the commencement of each fiscal year, each authority shall adopt a budget for such fiscal year and file such budget with the municipality granting permission to the authority to organize.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Swann moved that **House Bill No. 1959**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ramsey, Rich, Richardson, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

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***House Bill No. 2362** -- Welfare - As introduced, revises provisions governing eligibility for temporary assistance; makes provision of transportation assistance discretionary instead of mandatory. - Amends TCA Title 71, Chapter 3, Part 1. by *McCormick, *Butt. (SB2224 by *Norris, *Watson)

On motion, House Bill No. 2362 was made to conform with **Senate Bill No. 2224**; the Senate Bill was substituted for the House Bill.

Rep. Butt moved that Senate Bill No. 2224 be passed on third and final consideration.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Butt requested that Senate Bill No. 2224 be moved down 5 places on the Calendar.

***House Bill No. 1944** -- Education, Dept. of - As introduced, requires department to utilize scale of 100% when reporting progress in the Tennessee report card for schools beginning with the report for the 2012-2013 school year. - Amends TCA Title 49. by *Towns. (SB1631 by *Marrero, *Harper)

Rep. M. Turner moved that House Bill No. 1944 be reset for the Regular Calendar on April 25, 2012, which motion prevailed.

House Bill No. 3262 -- Judgments - As introduced, requires that funds taken from a person who is protected by the federal Servicemembers Civil Relief Act in a default judgment be returned to that person upon a finding that the person is so protected. - Amends TCA Title 20; Title 25; Title 26; Title 27; Title 29; Title 36; Title 47 and Title 67. by *Camper. (*SB2911 by *Berke, *Barnes, *Marrero, *Stewart)

On motion, House Bill No. 3262 was made to conform with **Senate Bill No. 2911**; the Senate Bill was substituted for the House Bill.

Rep. Camper moved that Senate Bill No. 2911 be passed on third and final consideration.

Rep. Watson moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Camper moved that **Senate Bill No. 2911** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock,

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McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 2911** and have this statement entered in the Journal: Rep(s). Pitts.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2904** -- Sentencing - As introduced, requires that a person convicted of committing a dangerous felony involving a firearm who is subsequently convicted of the same serve a minimum of 15 years imprisonment at 100 percent. - Amends TCA Title 39, Chapter 17 and Title 40. by *Dean. (SB3629 by *Watson, *Norris)

On motion, House Bill No. 2904 was made to conform with **Senate Bill No. 3629**; the Senate Bill was substituted for the House Bill.

Rep. Dean moved that **Senate Bill No. 3629** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

Representatives voting no were: Turner J -- 1

A motion to reconsider was tabled.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative K. Brooks

REGULAR CALENDAR, CONTINUED

House Bill No. 3690 -- Game and Fish Laws - As introduced, allows director to issue permanent sport combination hunting and fishing license without payment of a fee to disabled Tennessee residents under the age of 18. - Amends TCA Title 70, Chapter 2. by *Hawk, *Eldridge. (*SB3655 by *Southerland, *Ramsey, *Ketron, *Overbey, *Yager)

On motion, House Bill No. 3690 was made to conform with **Senate Bill No. 3655**; the Senate Bill was substituted for the House Bill.

Rep. Hawk moved that Senate Bill No. 3655 be passed on third and final consideration.

Rep. Lollar moved that Conservation and Environment Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND House Bill No. 3690 by adding the following language immediately preceding subdivision (e)(1) in Section 70-2-104 of SECTION 1 of the bill as amended and by renumbering the subsequent subdivisions accordingly:

(e)

(1) This act shall be known and may be cited as the "Hunter Wright Hunting and Fishing Act".

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Hawk moved that **Senate Bill No. 3655**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick,

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McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

A motion to reconsider was tabled.

Senate Bill No. 2224 -- Welfare - As introduced, revises provisions governing eligibility for temporary assistance; makes provision of transportation assistance discretionary instead of mandatory. - Amends TCA Title 71, Chapter 3, Part 1. by *Norris, *Watson (*HB2362 by *McCormick, *Butt)

Further consideration of Senate Bill No. 2224 previously considered on today's Calendar, at which time the House substituted the Senate Bill for the House Bill and withdrew Amendment(s) No(s). 1.

Rep. Butt requested that Senate Bill No. 2224 be moved to the heel of the Calendar.

House Bill No. 3712 -- Boards and Commissions - As introduced, requires each speaker appointment for the Tennessee criminal justice coordinating council to be from the respective state and local government committee. - Amends TCA Title 4 and Title 41. by *McCormick. (*SB3096 by *Johnson)

On motion, House Bill No. 3712 was made to conform with **Senate Bill No. 3096**; the Senate Bill was substituted for the House Bill.

Rep. McCormick moved that Senate Bill No. 3096 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McCormick moved that **Senate Bill No. 3096** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes.....	8
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner M, Watson, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 86

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Representatives voting no were: Hardaway, Kernell, McDonald, Parkinson, Richardson, Sontany, Turner J, Windle -- 8

Representatives present and not voting were: Miller D -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **Senate Bill No. 3096** and have this statement entered in the Journal: Rep(s). Stewart.

REGULAR CALENDAR, CONTINUED

House Bill No. 3671 -- Public Funds and Financing - As introduced, requires commutation of compensation for exonerated persons to lump sum upon request. - Amends TCA Title 9, Chapter 8, Part 1. by *Turner J, *Ramsey, *Pruitt, *Sontany, *Coley, *Camper, *Cooper B, *DeBerry L, *Richardson, *Tindell, *Stewart, *Pitts, *Kernell, *Hardaway, *Favors, *Gilmore. (*SB3142 by *Marrero, *Ford)

Further consideration of House Bill No. 3671 previously considered on April 18, 2012, and April 19, 2012, at which time it was reset for today's Regular Calendar.

Rep. J. Turner moved that House Bill No. 3671 be reset for the last Regular Calendar, which motion prevailed.

***House Bill No. 2641** -- Criminal Offenses - As introduced, limits the offense of harassment by display of an image to cases in which the defendant intends the image to intimidate the victim, the victim is likely to see the image, a reasonable person is intimidated by the image and the victim is actually intimidated. - Amends TCA Title 39 and Title 49. by *Curtiss, *Hardaway. (SB2556 by *Ketron, *Ford, *Burks)

Further consideration of House Bill No. 2641 previously considered on April 23, 2012, at which time the House withdrew Amendment(s) No(s). 1, adopted Amendment(s) No(s). 2 and 3 and it was reset for today's Regular Calendar.

Rep. Curtiss moved that House Bill No. 2641, as amended, be passed on third and final consideration.

Rep. Montgomery requested that Education Committee Amendment No. 3, as House Amendment No. 4, be moved to the heel.

Rep. Ragan moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 2641 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-308, is amended by deleting the section in its entirety.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Rep. K. Williams moved the previous question, which motion prevailed.

On motion, Amendment No. 5 failed by the following vote:

Ayes	28
Noes.....	65
Present and not voting.....	2

Representatives voting aye were: Brooks H, Butt, Casada, Dennis, Dunn, Eldridge, Faison, Floyd, Halford, Hall, Hensley, Hill, Holt, Hurley, Keisling, Matheny, Matlock, Niceley, Pody, Powers, Ragan, Rich, Sanderson, Sargent, Sexton, Weaver, White, Windle -- 28

Representatives voting no were: Alexander, Armstrong, Bass, Brown, Camper, Carr, Cobb, Coley, Cooper, Dean, DeBerry J, DeBerry L, Elam, Favors, Fitzhugh, Ford, Forgety, Gilmore, Hardaway, Harrison, Hawk, Haynes, Johnson C, Johnson P, Jones, Kernell, Lollar, Lundberg, Maggart, Marsh, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Ramsey, Richardson, Roach, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 65

Representatives present and not voting were: Campbell, Gotto -- 2

Rep. Ragan moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND House Bill No. 2641 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-308, is amended by deleting the section in its entirety and by substituting instead the following:

(a) The general assembly finds and declares that it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, and harassment caused by the activities of groups and individuals. It is not the intent of this section to interfere with the exercise of rights protected by the constitutions of the United States and this state. The general assembly recognizes the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to associate with

others who share similar beliefs. The general assembly further finds that the advocacy of unlawful acts by groups or individuals against other persons or groups for the purpose of inciting and provoking damage to property and bodily injury or death to persons is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

(b) A person commits the offense of harassment who:

(1) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of this state;

(2) Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other person exercised any right or privilege secured by the constitution or laws of the United States or the constitution or laws of this state;

(3) Damages, destroys or defaces any real or personal property of another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of this state; or

(4) Damages, destroys or defaces any real or personal property of another person with the intent to unlawfully intimidate another because that other person exercised any right or privilege secured by the constitution or laws of the United States or the constitution or laws of this state.

(c) It is an offense for a person to wear a mask or disguise with the intent to violate subsection (b).

(d) A violation of this section is a Class A misdemeanor.

(e) The penalties provided in this section for harassing others do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

Rep. Curtiss moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes	65
Noes	28

Representatives voting aye were: Armstrong, Bass, Brooks H, Brown, Camper, Carr, Cobb, Coley, Cooper, Dean, DeBerry L, Elam, Favors, Fitzhugh, Ford, Forgety, Gilmore, Halford, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hurley, Jones, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D,

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Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Ramsey, Richardson, Roach, Sanderson, Sargent, Shaw, Shepard, Sontany, Sparks, Stewart, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Williams K, Williams R, Womick, Madam Speaker Harwell -- 65

Representatives voting no were: Alexander, Butt, Casada, Dennis, Dunn, Eldridge, Faison, Floyd, Gotto, Hall, Hill, Holt, Johnson P, Keisling, Matlock, Niceley, Pody, Powers, Ragan, Rich, Sexton, Shipley, Swann, Watson, Weaver, White, Windle, Wirgau -- 28

Rep. Montgomery moved that Education Committee Amendment No. 3, as House Amendment No. 4, be withdrawn, which motion prevailed.

Rep. Curtiss moved that **House Bill No. 2641**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes.....	14
Present and not voting.....	1

Representatives voting aye were: Armstrong, Bass, Brooks H, Brown, Campbell, Camper, Carr, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Elam, Eldridge, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hardaway, Harmon, Harrison, Hawk, Haynes, Johnson P, Jones, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Powers, Pruitt, Ramsey, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, White, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 76

Representatives voting no were: Alexander, Dennis, Faison, Hensley, Hill, Holt, Hurley, Keisling, Matlock, Niceley, Pody, Ragan, Rich, Weaver -- 14

Representatives present and not voting were: Butt -- 1

A motion to reconsider was tabled.

***Senate Bill No. 2271** -- Insurance Companies, Agents, Brokers, Policies - As introduced, creates requirements for issuance of certificates of insurance; clarifies the effect of such certificates; and authorizes oversight by the commissioner of commerce and insurance regarding regulation and assessing fines in relation thereto. - Amends TCA Title 56. by *Tracy, *Ketron. (HB2454 by *Sargent, *Eldridge)

Further consideration of Senate Bill No. 2271 previously considered on April 19, 2012, at which time the House substituted the Senate Bill for the House Bill, withdrew Amendment(s) No(s). 1 and it was reset for today's Regular Calendar.

Rep. Sargent moved that Senate Bill No. 2271 be passed on third and final consideration.

Rep. M. Turner moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. M. Turner moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. M. Turner moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 2454 by designating the current language in subsection (b) in Section 1 as subdivision (b)(1) and by adding the following language as a new, appropriately designated subdivision:

() Notwithstanding subdivision (b)(1), no change to an insurance contract, or amendment thereto, initiated by the insurer shall take effect until the insurer receives documentation signed by the insured assenting to the change. Such documentation shall include a specific and full description of the change. If the insured does not sign the documentation in the presence of the insurer, then the insurer shall send the documentation to the insured for the insured's signature through certified mail, return receipt requested.

Rep. Sargent moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes 60
Noes..... 33

Representatives voting aye were: Alexander, Brooks H, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Elam, Eldridge, Faison, Floyd, Ford, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hill, Holt, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Moore, Niceley, Odom, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tindell, Watson, Weaver, White, Williams R, Womick, Madam Speaker Harwell -- 60

Representatives voting no were: Armstrong, Bass, Brown, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Hensley, Hurley, Jones, Kernell, McDonald, Miller L, Naifeh, Parkinson, Pitts, Richardson, Shaw, Shepard, Sontany, Stewart, Tidwell, Todd, Towns, Turner J, Turner M, Williams K, Windle -- 33

Rep. McCormick moved the previous question, which motion prevailed.

Rep. Sargent moved that **Senate Bill No. 2271** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 75
Noes..... 21
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, Dennis, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley,

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Odom, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tindell, Todd, Watson, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 75

Representatives voting no were: Brown, Camper, Cooper, DeBerry J, DeBerry L, Gilmore, Hardaway, Jones, Kernell, McDonald, Moore, Parkinson, Richardson, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M, Williams K, Windle -- 21

Representatives present and not voting were: Dunn -- 1

A motion to reconsider was tabled.

***Senate Joint Resolution No. 710** -- Constitutional Amendments - As introduced, proposes an amendment to Article VI, Section 3 in order to constitutionally enshrine a system for selection of each appellate court judge by means of merit-based gubernatorial appointment with legislative confirmation and, thereafter, contingent upon a satisfactory job performance evaluation, retention election by the voters of the state. by *Kelsey, *Bell, *Beavers.

Senate Joint Resolution No. 710 was previously considered on April 23, 2012, for the first Constitutional reading.

Rep. Lundberg requested that the Clerk read Senate Joint Resolution No. 710 for the second Constitutional reading, as prescribed by the Constitution of the State of Tennessee.

The Clerk read Senate Joint Resolution No. 710.

Rep. Lundberg moved that Senate Joint Resolution No. 710 be reset for the next Regular Calendar on Wednesday, April 25, 2012, for its third and final reading, which motion prevailed.

Senate Bill No. 1688 -- Schools, Charter - As introduced, requires public charter school's annual renewal application to include the number of students who attended the school in the most recently completed academic year and the schools that those students attended prior to enrolling at the charter school. - Amends TCA Title 49. by *Faulk, *McNally, *Overbey. (*HB1970 by *Swann, *Hardaway, *Towns, *Fitzhugh, *Montgomery, *Richardson, *Cooper B, *White)

Further consideration of Senate Bill No. 1688 previously considered on April 11, 2012, and April 12, 2012, at which time the House substituted the Senate Bill for the House Bill, withdrew Amendment(s) No(s). 1 and 2 it was reset for today's Regular Calendar.

Rep. Swann moved that Senate Bill No. 1688 be reset for the Regular Calendar on April 25, 2012, which motion prevailed.

MOTION TO RECONSIDER

House Bill No. 2982 -- Judgments - As introduced, changes the standard interest rate on judgments from 10 percent to the federal reserve weekly average prime loan rate, so long as such rate does not exceed 10 percent. - Amends TCA Title 47. by *Dennis, *Hardaway. (*SB2705 by *Kelsey)

Rep. Dennis moved to lift from the table the motion to reconsider action in passing House Bill No. 2982, which motion prevailed.

Rep. Dennis moved to reconsider action in passing House Bill No. 2982, which motion prevailed.

Rep. Dennis moved that House Bill No. 2982, as amended, be passed on third and final consideration.

Rep. Watson moved that the House reconsider its action in adopting Judiciary Committee Amendment No. 1, which motion prevailed.

Rep. Watson moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Dennis moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Rep. Dennis requested that Amendment No. 2 be moved to the heel.

Rep. Dennis moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2982 by deleting the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-14-212, is amended by deleting the section in its entirety and by substituting instead the following:

47-14-212.

(a) Except as set forth in sub-section (c), the interest rate on judgments per annum, including decrees and municipal court judgments, shall:

(1) For any judgment entered between July 1 and December 31, be equal to two percent (2%) less than the formula rate per annum published by the commissioner of financial institutions, as required by § 47-14-105, for June of the same year; or

(2) For any judgment entered between January 1 and June 30, be equal to two percent (2%) less than the formula rate per annum published by the commissioner of financial institutions, as required by § 47-14-105, for December of the prior year.

(b) To assist parties and the courts in determining and applying the interest rate on judgments set forth in subsection (a) for the six-month period in which a judgment is entered, before or at the beginning of each six-month period the administrative office of the courts:

(1) Shall calculate the interest rate on judgments that shall apply for the new six-month period pursuant to subsection (a);

(2) Shall publish that rate on the administrative office of the courts' website; and

(3) Shall maintain and publish on that website the judgment interest rates for each prior six-month period going back to the rate in effect for the six-month period beginning July 1, 2012.

(c) Notwithstanding subsection (a) or (b), where a judgment is based on a statute, note, contract, or other writing that fixes a rate of interest within the limits provided in § 47-14-103 for that particular category of transaction or claim, the judgment shall bear interest at the rate so fixed.

(d) The party seeking interest on a judgment shall propose to the opposing party and court the applicable rate of interest. If the parties agree that the rate as proposed is correct, the court shall apply the proposed rate. If a dispute exists as to the applicable rate, the court shall determine and order the applicable rate.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Dennis moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2982 By deleting from subsection (c) of the amendatory language of SECTION 1 the language "category of transaction" and substituting instead the language "categories of creditors, lenders or transactions".

On motion, Amendment No. 2 was adopted.

Rep. Dennis moved that **House Bill No. 2982**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 81
Noes 9

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar,
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Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Tindell, Todd, Turner J, Watson, Weaver, White, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 81

Representatives voting no were: Cooper, Haynes, McDonald, Pody, Richardson, Sontany, Stewart, Towns, Williams K -- 9

A motion to reconsider was tabled.

House Bill No. 3124 -- Civil Procedure - As introduced, removes judicial discretion to apportion costs and permits recovery of certain litigation costs by the successful party on motions to dismiss. - Amends TCA Title 20; Title 25; Title 27 and Title 29. by *Dennis. (*SB2638 by *Johnson, *Ketron)

Further consideration of House Bill No. 3124 previously considered on today's Calendar, at which time the House adopted Amendment(s) No(s). 1 and tabled Amendment(s) No(s). 2.

Rep. Dennis moved that House Bill No. 3124, as amended, be passed on third and final consideration.

Rep. Odom moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Odom moved consideration of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 3124 by deleting the last sentence in subdivision (c)(1) in SECTION 1 of the bill as amended by amendment (drafting # 1538366) and substituting instead the language:

The awarded costs and fees shall be paid by the attorney representing the party or parties whose claim or claims were dismissed as a result of the granted motion to dismiss.

AND FURTHER AMEND by deleting the first two sentences in subdivision (c)(4) in SECTION 1 of the bill as amended by amendment (drafting # 1538366) and substituting instead the language:

Notwithstanding any other provision of this section, the court shall not require an attorney to pay costs under this section in excess of a combined total of ten thousand dollars (\$10,000) in any single lawsuit. Where multiple parties are entitled to recover their costs from a single attorney under this section and those parties' combined actual costs under this statute exceed ten thousand dollars (\$10,000) then the court shall apportion the awarded costs to the moving parties in proportion to the amount of each moving party's incurred costs unless agreed otherwise by the moving parties.

The motion for consideration of Amendment No. 4 failed by the following vote:

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Ayes 47
Noes..... 47
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brown, Campbell, Camper, Cooper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Ford, Forgety, Gilmore, Hall, Hardaway, Harmon, Harrison, Hensley, Hill, Jones, Keisling, Kernell, McDonald, Miller L, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Roach, Shepard, Sontany, Stewart, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Weaver, Williams K, Williams R, Windle -- 47

Representatives voting no were: Brooks H, Butt, Carr, Casada, Cobb, Coley, Dean, Dennis, Elam, Eldridge, Faison, Floyd, Gotto, Halford, Hawk, Haynes, Holt, Hurley, Johnson C, Johnson P, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Sanderson, Sexton, Shipley, Sparks, Swann, Watson, White, Wirgau, Womick, Madam Speaker Harwell -- 47

Representatives present and not voting were: Dunn – 1

Rep. M. Turner moved the previous question, which motion was immediately withdrawn.

Rep. Stewart moved consideration of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 3124 By deleting the language "ten thousand dollars (\$10,000)" wherever it appears in the amendatory language of subdivision (c)(4) in Section 1 of the bill as amended (#1538366) and by substituting instead the language "five thousand dollars (\$5,000)".

The motion for consideration of Amendment No. 5 failed by the following vote:

Ayes 52
Noes..... 42
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Brown, Campbell, Camper, Cobb, Coley, Cooper, Curtiss, DeBerry J, DeBerry L, Dunn, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Hardaway, Harmon, Hill, Jones, Keisling, Kernell, Marsh, McDonald, Miller L, Montgomery, Moore, Naifeh, Odom, Pitts, Pody, Pruitt, Rich, Richardson, Sargent, Sexton, Shaw, Shepard, Sontany, Sparks, Stewart, Tindell, Todd, Towns, Turner J, Turner M, Williams K, Williams R, Windle -- 52

Representatives voting no were: Brooks H, Butt, Carr, Dean, Dennis, Elam, Eldridge, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Lollar, Lundberg, Maggart, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Niceley, Powers, Ragan, Ramsey, Roach, Sanderson, Shipley, Swann, Tidwell, Watson, Weaver, White, Wirgau, Womick, Madam Speaker Harwell -- 42

Representatives present and not voting were: Bass -- 1

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Rep. M. Turner moved the previous question, which motion prevailed.

Rep. Dennis moved that **House Bill No. 3124**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	58
Noes	38

Representatives voting aye were: Bass, Brooks H, Butt, Carr, Casada, Cobb, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 58

Representatives voting no were: Alexander, Armstrong, Brown, Campbell, Camper, Coley, Cooper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Harmon, Hill, Jones, Kernell, McDonald, Miller L, Montgomery, Moore, Naifeh, Odom, Parkinson, Pitts, Pruitt, Richardson, Shaw, Shepard, Sontany, Stewart, Tindell, Towns, Turner J, Turner M, Williams K, Windle -- 38

A motion to reconsider was tabled.

Senate Bill No. 3061 -- Emergency Communications Districts - As introduced, defines "Public Safety Answering Point" or "PSAP" to mean a facility that receives 911 calls and routes them to emergency services personnel. - Amends TCA Section 7-86-103. by *Yager. (*HB2601 by *Sparks)

Further consideration of Senate Bill No. 3061 previously considered on today's Calendar, at which time the House substituted the Senate Bill for the House Bill.

Rep. Sparks moved that Senate Bill No. 3061 be reset for the Regular Calendar on April 25, 2012, which motion prevailed.

Senate Bill No. 3223 -- Planning, Public - As introduced, enacts the "Tennessee Local Land Bank Pilot Program." - Amends TCA Title 13. by *McNally, *Yager. (*HB3400 by *Ragan)

Further consideration of Senate Bill No. 3223 previously considered on today's Calendar, at which time the House substituted the Senate Bill for the House Bill, withdrew Amendment(s) No(s). 1 and adopted Amendment(s) No(s). 2 and 3.

Rep. Ragan moved that Senate Bill No. 3223, as amended, be passed on third and final consideration.

Rep. M. Turner moved the previous question, which motion prevailed.

Rep. Ragan moved that **Senate Bill No. 3223**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 63
Noes..... 22
Present and not voting..... 5

Representatives voting aye were: Bass, Brooks H, Butt, Campbell, Casada, Cobb, Curtiss, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gotto, Halford, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Moore, Niceley, Powers, Ragan, Ramsey, Rich, Roach, Sanderson, Sexton, Shipley, Sparks, Swann, Tindell, Todd, Watson, Weaver, White, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 63

Representatives voting no were: Armstrong, Brown, Carr, Cooper, Favors, Gilmore, Harmon, Jones, Kernell, Naifeh, Odom, Parkinson, Pitts, Pody, Richardson, Shaw, Sontany, Stewart, Tidwell, Towns, Windle, Womick -- 22

Representatives present and not voting were: Alexander, Camper, McDonald, Shepard, Turner J -- 5

A motion to reconsider was tabled.

JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Powers voted “aye” on **Senate Bill No. 3223**.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 3223** and have this statement entered in the Journal: Rep(s). Dean.

REGULAR CALENDAR, CONTINUED

Senate Bill No. 2224 -- Welfare - As introduced, revises provisions governing eligibility for temporary assistance; makes provision of transportation assistance discretionary instead of mandatory. - Amends TCA Title 71, Chapter 3, Part 1. by *Norris, *Watson. (SB2224 by *McCormick, *Butt)

Further consideration of Senate Bill No. 2224 previously considered on today’s Calendar, at which time the House substituted the Senate Bill for the House Bill and withdrew Amendment(s) No(s). 1.

Rep. Butt moved that **Senate Bill No. 2224** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 86
Noes..... 7
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Swann, Tidwell, Tindell, Todd, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 86

Representatives voting no were: Brown, Cooper, Favors, Hardaway, Stewart, Towns, Turner J -- 7

Representatives present and not voting were: Camper -- 1

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **Senate Bill No. 2224** and have this statement entered in the Journal: Rep(s). Moore.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 1572** -- Fire Prevention and Investigation - As introduced, requires persons setting fires to woods or other property to give a minimum of three, instead of two, days' notice to adjacent landowners. - Amends TCA Title 11, Chapter 4, Part 8 and Title 68. by *Swann, *Tidwell. (SB1759 by *Ketron)

Senate Amendment No. 2

AMEND House Bill No. 1572 By adding the following as an appropriately designated subsection in Section 3:

() Certified prescribed burn managers shall obtain liability insurance with policy limits of not less than five hundred thousand dollars (\$500,000) for bodily injury or death and not less than one hundred thousand dollars (\$100,000) for injury to or destruction of property for acts of negligence arising from the management of prescribed burning.

Senate Amendment No. 4

AMEND House Bill No. 1572 by deleting SECTION 3 of the bill as amended in its entirety and by substituting instead the following new language:

SECTION 3.

(a)

(1) No property owner, person, corporation, limited liability company, partnership, natural person, agent of the owner, or any other entity who conducts a prescribed burn pursuant to the requirements of this act shall be liable for damage, injury or loss caused by fire unless negligence is proven.

(2) No property owner, person, corporation, limited liability company, partnership, natural person, agent of the owner, or any other entity who conducts a prescribed burn pursuant to the requirements of this act shall be liable for damage, injury or loss caused by the resulting smoke unless gross negligence is proven.

(b) Prescribed burning conducted in accordance with this section shall:

(1) Require that a written prescription be prepared, signed, and followed by the certified prescribed burn manager;

(2) Require that the certified prescribed burn manager maintain the prescription in the manager's records, and possess the prescription on site during all prescribed burnings;

(3) Occur only when at least one (1) certified prescribed burn manager is on site and supervising burns while they are being conducted;

(4) Require that the certified prescribed burn manager supervising the burns being conducted is the person who directly observes and coordinates the lighting of the fire to initiate the burn process;

(5) Require a burning permit be obtained from the division of forestry as required in § 39-14-306; and

(6) Be considered in the public interest and shall not constitute a public or private nuisance when conducted pursuant to state air pollution control statutes and rules applicable to prescribed burning.

(c) Certified prescribed burn managers shall take into account the variability of environmental conditions on site when preparing prescriptions, and shall include in each prescription a plan of action to address emergencies that could occur during prescribed burnings.

(d) The division of forestry is authorized to promulgate rules and regulations to effectuate the purposes of this act including, but not limited to, the certification of prescribed burn managers and guidelines for a prescribed burn prescription. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

Senate Amendment No. 5

AMEND House Bill No. 1572 By deleting the word "gross" from subdivision (a)(2) in Section 3 of the bill as amended by Senate Amendment #4 (drafting number 1678032).

Rep. Swann moved that the House concur in Senate Amendment(s) No(s). 2, 4 and 5 to **House Bill No. 1572**, which motion prevailed by the following vote:

Ayes 95
Noes..... 2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 95

Representatives voting no were: Favors, Keisling -- 2

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 2844** -- Election Laws - As introduced, authorizes the election commission to designate a polling place outside the precinct it is to serve, but within the limits of the municipality, for a municipal election not held in conjunction with any other election. - Amends TCA Title 2, Chapter 3, Part 1. by *Dunn. (SB2818 by *Massey)

Senate Amendment No. 1

AMEND House Bill No. 2844 By deleting the language "but" in the amendatory language of SECTION 1 and substituting instead the language "but to the closest geographic precinct".

Senate Amendment No. 2

AMEND House Bill No. 2844 by deleting all language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 2-3-101(a), is amended by deleting the period at the end of the second sentence and adding the following language:

except for municipal elections not held in conjunction with:

- (1) Any primary election,
- (2) The regular August or November general elections,
- (3) Any special primary or special general election for state or federal offices; or
- (4) The presidential preference primary, if a polling place is located outside of the boundaries of a municipality but the precinct the polling place serves includes residents of the municipality, the county election commission may designate a polling place outside, but closest to the geographic precinct within the limits of the municipality, of the precinct it is to serve .

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Dunn moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2844**, which motion prevailed by the following vote:

Ayes	88
Noes	7

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Swann, Tidwell, Todd, Towns, Turner J, Watson, Weaver, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 88

Representatives voting no were: Brown, Favors, Fitzhugh, Moore, Richardson, Stewart, Turner M -- 7

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILL RECALL

Rep. Fitzhugh moved that Senate Joint Resolution No. 878 be recalled from the Senate, which motion prevailed.

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MOTION TO PLACE BILL ON CALENDAR

Rep. Hurley moved that Senate Bill No. 1197 be placed on the Regular Calendar for April 25, 2012, which motion prevailed.

RULES SUSPENDED

Rep. Sargent moved that the rules be suspended for the purpose of introducing House Resolution No. 283 out of order, which motion prevailed.

House Resolution No. 283 -- Lottery, Charitable - Approves 2011-2012 501(c)(3) annual events on third omnibus list by the house of representatives. by *Sargent.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Sargent, the resolution was adopted by the following vote:

Ayes	87
Noes.....	3
Present and not voting.....	4

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Elam, Eldridge, Faison, Favors, Fitzhugh, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 87

Representatives voting no were: McDonald, Miller D, Sontany -- 3

Representatives present and not voting were: Brown, Dunn, Evans, Powers -- 4

House Resolution No. 283 received a vote in the affirmative by two thirds of the members elected to the Tennessee House of Representatives of the One Hundred Seventh General Assembly and was declared adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Sargent moved that the rules be suspended for the purpose of introducing House Resolution No. 284 out of order, which motion prevailed.

House Resolution No. 284 -- Lottery, Charitable - Approves 2012-2013 501(c)(3) annual events on second omnibus list by the house of representatives. by *Sargent.

TUESDAY, APRIL 24, 2012 – SEVENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Sargent, the resolution was adopted by the following vote:

Ayes	91
Noes.....	1
Present and not voting.....	3

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Elam, Eldridge, Faison, Favors, Fitzhugh, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Hill, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives voting no were: Miller D -- 1

Representatives present and not voting were: Dunn, Evans, Powers -- 3

House Resolution No. 284 received a vote in the affirmative by two thirds of the members elected to the Tennessee House of Representatives of the One Hundred Seventh General Assembly and was declared adopted.

A motion to reconsider was tabled.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that the Tennessee Commission on Children & Youth has filed its Resource Mapping Report for 2012 and that the same is available for review.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 810 Rep(s). Harrison, McDaniel, Campbell and Roach as prime sponsor(s).

House Joint Resolution No. 933 Rep(s). Faison and Holt as prime sponsor(s).

House Bill No. 369 Rep(s). Elam as prime sponsor(s).

House Bill No. 3058 Rep(s). Roach as prime sponsor(s).

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TUESDAY, APRIL 24, 2012 – SEVENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

House Bill No. 3119 Rep(s). Casada, Haynes and Sanderson as prime sponsor(s).

House Bill No. 3124 Rep(s). Hurley as prime sponsor(s).

House Bill No. 3459 Rep(s). Eldridge as prime sponsor(s).

House Bill No. 3671 Rep(s). Parkinson as prime sponsor(s).

House Bill No. 3703 Rep(s). P. Johnson as first prime sponsor(s).

House Bill No. 3884 Rep(s). McManus, Richardson, Lollar and White as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Odom was/were removed as sponsor(s) of **House Bill No. 3703**.

ENGROSSED BILLS

April 24, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 936, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053 and 1054.

BETTY KAY FRANCIS, Chief Engrossing Clerk

ENGROSSED BILLS

April 24, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 3870;

BETTY KAY FRANCIS, Chief Engrossing Clerk

ENGROSSED BILLS

April 24, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 3051;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR
April 24, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2384; with his approval.

ASHLEIGH HARB on behalf of HERBERT H. SLATTERY III, Counsel to the Governor

**ENGROSSED BILLS
April 24, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2962 and 3208.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS
April 24, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280 and 281; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 24, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280 and 281.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS
April 24, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 1959;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3808; passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

TUESDAY, APRIL 24, 2012 – SEVENTY-EIGHTH LEGISLATIVE DAY UNOFFICIAL VERSION

Senate Bill No. 3808 -- Sumner County - As introduced, subject to local approval, creates the "Financial Management Modernization System of the County of Sumner, Tennessee of 2012"; repeals Chapter 113 of the Private Acts of 2002, in certain circumstances. by *Roberts. (HB3879 by *Maggart, *McDonald)

ENGROSSED BILLS

April 24, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2641;

BETTY KAY FRANCIS, Chief Engrossing Clerk

ENGROSSED BILLS

April 24, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 2982;

BETTY KAY FRANCIS, Chief Engrossing Clerk

ENGROSSED BILLS

April 24, 2012

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 3124;

BETTY KAY FRANCIS, Chief Engrossing Clerk

ENROLLED BILLS

April 24, 2012

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 636, 773, 783, 824, 843, 847, 914, 915, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 934, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 948, 949, 950, 951, 952, 954, 955, 956, 957, 958, 959, 961, 962, 963, 964, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 981, 982, 983, 984, 986 and 987; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 24, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 636, 773, 783, 824, 843, 847, 914, 915, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 934, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 948, 949, 950, 951, 952, 954, 955, 956, 957, 958, 959, 961, 962, 963, 964, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 981, 982, 983, 984, 986 and 987.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3808, 3870 and 3875; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 587 and 614; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1069, 2161, 2222, 2403, 2459, 2537, 2620, 2650, 2671, 2744, 2750, 2752, 2823, 2859, 2890, 2895, 2913, 3237, 3257, 3274, 3283, 3398 and 3633; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2591, 2784, 2871, 2912, 3003, 3174, 3217, 3222, 3233, 3269, 3403 and 3751; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2847; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS
April 24, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 283 and 284; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 24, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 283 and 284.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 636, 773, 783, 824, 843, 847, 914, 915, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 934, 935, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 948, 949, 950, 951, 952, 954, 955, 956, 957, 958, 959, 961, 962, 963, 964, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 981, 982, 983, 984, 986 and 987; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**ENROLLED BILLS
April 24, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 587 and 614; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED
April 24, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 587 and 614.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 568, 569, 578 and 872; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED
April 24, 2012**

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 568, 569, 578 and 872.

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1105; The Senate acceded to request of the House for appointment of Conference Committee. The Speaker appointed the following members: Gresham, Norris and Tate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 587 and 614; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE
April 24, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 907 and 914; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

Senate Joint Resolution No. 907 -- Memorials, Retirement - Glen Page. by *Kyle.

Senate Joint Resolution No. 914 -- Memorials, Recognition - Uncle Dave Macon Days, 35th Anniversary. by *Ketron, *Tracy, *Stewart.

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ROLL CALL

The roll call was taken with the following results:

Present..... 94

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Cooper, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Odom, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Tindell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 94

RECESS MOTION

On motion of Rep. McCormick, the House stood in recess until 9:00 a.m., Wednesday, April 25, 2012.